

11/15/2000

Text of remarks by Florida Secretary of State Katherine Harris denying county requests to add hand-counted ballot totals:

Good evening.

On Tuesday evening, I requested those counties contemplating manual vote recounts to submit a written statement to me of the facts and circumstances justifying any belief on their part that they should be allowed to amend their certified returns, previously filed by them in accordance with law.

All three counties, Palm Beach, Miami-Dade and Broward, responded by the 2 p.m. deadline today, and I thank them. Copies of their responses have already been distributed.

Additionally, Collier County asked about the possibility of an amendment to their return, unrelated to the manual recount issue. A copy of that letter has also been distributed.

For the past week I have devoted a substantial amount of my time to issues surrounding the manual vote recounts. After Judge Lewis' decision yesterday morning, my staff and I, along with counsel, developed criteria appropriate to the exercise of my discretion under Florida law.

This criteria is clearly set forth in Florida case law. For the past six hours I have applied these criteria in deliberating upon the specific requests of the counties contemplating manual vote recounts.

As a result of these deliberations, I have decided it is my duty under Florida law to exercise my discretion in denying these requested amendments. The reasons given in their requests are insufficient to warrant waiver of the unambiguous filing deadline imposed by the Florida legislature.

I have communicated this decision with these counties, in letters detailing the criteria I used in making my judgments and the application of these criteria to the stated circumstances. And copies of these letters are also available.

Because it is my determination that no amendments to the official returns now on file at the Department of State are warranted, the state Elections Canvassing Commission, acting in its normal and usual manner, has certified the results of Tuesday's election in

Florida, including the presidential election. Copies of that portion of the certification related to the presidential election and the signature pages of the certification are also available.

As I've previously indicated, I expect that after the receipt, tabulation and certification of the overseas ballots by the counties, the state Elections Canvassing Commission will finally certify the presidential election in Florida on Saturday. The schedule, of course, is subject to judicial intervention.

In that context, I once again will be unable personally to answer questions. However, I have with me our general counsel, Debbie Kearning, and two of our outside counsel, Joe Klock and Donna Blanton, and I've asked them to remain behind to answer appropriate questions from you.

One final comment. I want to reassure the public that my decision in this process has been made carefully, consistently, independently and I believe correctly.

I'm very grateful for your patience and your understanding. Thank you and God bless.

Mr. Klock?

K: Thank you.

Q: In Palm Beach County, what criteria did you feel was missing that justified denying their motion? And if you could address the other counties as well: What criteria were missing?

K: The criteria that the secretary used are the same criteria that are used by courts in determining whether or not elections should be overturned. There are six or seven of them; they're contained within the papers you'll find in the back.

There was nothing that was put forward by the canvassing board in Palm Beach County that took them into any area where it would be appropriate to ignore the 5 p.m. deadline, and that's what the secretary found.

Q: For people who are watching at home and wondering now what is the importance of what the secretary just said, can you tell us does this mean, from the secretary's office, if you believe the only ballots that matter now are the overseas ballots?

K: That is correct.

Q: What is correct?

K: That the only ballots that matter at this point in time are the overseas ballots.

Q: The state Supreme Court denied the petition by the secretary of state. Isn't this in direct conflict with what the state Supreme Court is saying? They're saying that you can continue on with the manual recount.

K: Not at all. The relief that the secretary sought was extraordinary relief, trying to have the Supreme Court decide that all the cases in the state that had to do with this election should be brought to Leon County. In addition, we asked that, during the period of time until she made the determination as to what the criteria were and how to apply them, that there not be any manual recounting.

As a practical matter, there was no manual recounting during that period of time.

The denial by the Supreme Court of this particular action is not a denial of an appeal. It was an extraordinary remedy that was sought. There will, of course, be proceedings going forward in the supreme court having to do with the conflict between the opinion of the attorney general and the opinion of the secretary of state on election issues.

Q: Are you doing anything to stop the counties from continuing the manual recounts? Can you do that?

K: Of course not. They can do whatever they want.

Q: Do you think that the three counties, specifically Miami-Dade, Broward and Palm Beach, will be filing suit against the secretary of state's office?

K: I have no idea, but every day, every couple of hours, there's a new suit filed. So you can be pretty sure something will happen.