

Text of letter sent 11/15/2000 by Palm Beach County elections officials to Secretary of State Katherine Harris in relation to Democratic Party lawsuit:

Dear Secretary Harris:

This letter is in response to your request for a written statement of the facts and circumstances which would necessitate a change to be made in the final certification of the statewide vote based on the results of Palm Beach County's manual recount of all the ballots cast in Palm Beach County for the offices of President and Vice President.

The Palm Beach county Canvassing Board has conducted a machine recount of the ballots and a limited manual recount of 1 percent of the total votes cast in accordance with Section 102.166(4)(d), Florida Statutes. The limited manual recount produced different results than the machine recount. The machine recorded approximately 10,000 undervotes. As stated in the Canvassing Board's Petition For Extraordinary Writ, it elected to conduct a manual recount "(b)ecause the results could affect the outcome of the election." See. 102.166(5), Fla. Stat.

On Sunday, November 12, 2000, the Canvassing Board voted to conduct a manual recount of all the ballots cast in Palm Beach County for the offices of President and Vice President pursuant to the authority granted to it under Section 102.166(5)(c), Florida Statutes. As you are aware, the Canvassing Board also voted to seek advisory opinions from the Division of Elections and the Attorney General regarding the proper interpretation of Section 102.166(5), Florida Statutes. The opinions were conflicting; accordingly, the Canvassing Board is currently seeking an adjudication by the Florida Supreme Court to resolve the conflicting opinions on the question of whether the Canvassing Board may, under the above-referenced circumstances, conduct a manual recount of the votes cast for President and Vice President. The Canvassing Board has voted to suspend its manual recount pending the resolution of this issue and other issues by the Florida Supreme Court.

A manual recount of four precincts, which accounts for approximately one percent of the total votes cast in Palm Beach County, resulted in a difference in the vote totals. The 4,695 ballots manually recounted in four precincts resulted in a total gain of 33 votes for Vice President Al Gore and 14 votes for Governor George W. Bush, which is a net gain of 19 votes for Vice President Al Gore. Clearly, the results of the manual recount could affect the outcome of this very close presidential election if the manual recounts in the other precincts also vary in this degree from the machine counts.

Sincerely,

The Honorable Charles Burton

County Court Judge, 15th Judicial Circuit

Chairperson, Palm Beach County Canvassing Board