

its election for President of the United States and other federal and state offices.

8. Each county of the State of Florida designed and used its own ballot for the November 7 election.

9. Palm Beach County used a "punchcard" voting system. In this system, a punchcard with perforated rectangles is inserted into a plastic holder that contains ballot pages.

10. To cast a vote on the punchcard, the voter inserts a metal stylus into the hole corresponding to the chosen candidate. When the stylus is fully inserted into the hole, it should - but does not always -- perforate a small square on the punchcard ballot known as a "chad," creating a hole in the punchcard ballot. In some instances, however, the stylus may only partially perforate the punchcard or may create an indentation with no perforation at all. When the punchcard is not fully perforated, the paper remaining on the punchcard is known as a "hanging chad."

11. Following the November 7, 2000 election, Palm Beach County conducted an initial count of punchcard ballots using electronic machines, i.e., an automatic tabulation. The machines used in the automatic or machine

tabulation tabulates votes by shining light through each punchcard ballot.

12. The automatic tabulation of Palm Beach County ballots resulted in a count of 268,945 votes for the Democratic Party presidential candidate, Al Gore ("Vice President Gore"), and 152,846 votes for the Republican Party presidential candidate, George W. Bush ("Governor Bush"). A subsequent machine recount required by Fla. Stat. § 102.166 produced totals of 269,732 for Vice President Gore and 152,951 for Governor Bush.

13. Machine counting of punchcard ballots fails to count votes on some properly marked punchcard ballots, where insufficient light shines through the punchcard. The Palm Beach County conducted three automatic tabulations of the votes cast in Palm Beach County. Below are dates and results of those tabulations:

	Bush	Gore
November 7 (Election Day)	152,846	268,945
November 8 (Automatic recount)	152,954	269,696
November 11 (recount requested by Bush campaign).	152,951	269,732

14. In both of the initial machine tabulations and mandatory recounts, the tabulating machines indicated that more than 10,000 ballots did not cast a vote in the

Presidential election. This number seems extraordinarily high. Accordingly, the Florida Democratic Party formally requested that the Canvassing Board conduct a test manual recount of four precincts pursuant to Fla. Stat. § 102.166(4). On November 10, 2000, the Canvassing Board granted the request.

15. On November 11, 2000, the Canvassing Board conducted a test manual recount, pursuant to § 102.166(4)(c) and (d). Observers from the Florida Democratic Party and the Bush-Cheney campaign monitored the manual review of punchcard ballots. Whenever an observer challenged the initial counting of the ballot, the three-member Canvassing Board reviewed the challenged punchcard and determined how the ballot would be counted.

16. The Canvassing Board had previously adopted a standard for reviewing punchcard ballots in November 1990. In conducting its test manual recount on November 11, 2000, the Canvassing Board initially announced that it would interpret its 1990 standards as equivalent to a "sunshine" rule: a vote would be counted if and only if light could be seen through the punchcard.

17. The Canvassing Board applied the "sunshine" standard in its review of challenged ballots for one-half of one precinct. That initial review of one-half of one

precinct resulted in an additional 30 votes in favor of Vice President Gore and an additional 19 votes for Governor Bush.

18. After the review of one-half of one precinct, the Canvassing Board sua sponte announced a change in its standard. Under the new interpretation of the 1990 guidelines, the Board would recognize a vote only if the rectangle (or "chad") is at least partially detached. Applying this new per se rule, a definite indentation on a punchcard would not count as a vote absent some perforation of the paper or other evidence on the punchcard of a voter's intent.

19. Applying this new rule, the Canvassing Board's "test" manual recount of four precincts using the "perforation" standard yielded a net change of 33 additional votes for Vice President Gore and 14 additional votes for Governor Bush.

20. Based on plaintiff's observers' objections at the test manual recount, Vice President Gore would receive several hundred additional votes at the test recount alone if the broad, totality-of-the-evidence standard were applied. Thus, even without the full manual recount of the remaining 527 precincts in Palm Beach County, this

difference would be close to the number necessary to change the election result.

21. The test manual recount of four precincts indicated that the county's initial machine counts had failed to count many votes; the machine failed to register many ballots that indicated a voter's intention to cast a vote for President. The Canvassing Board determined that the results of the Presidential election could potentially be affected by this fundamental flaw in machine counting. Based on extrapolations from errors found in the test manual recount of approximately one percent of Palm Beach County Ballots, a county-wide manual recount could be reasonably estimated to result in a net change of at least hundreds of additional votes for Vice President Gore.

22. Based on these results, the Florida Democratic Party requested a county-wide full manual recount of all ballots pursuant to Fla. Stat. § 102.166(5)(c). On November 12, 2000, the Canvassing Board granted the request. The county-wide recount was scheduled to begin on Tuesday, November 14, 2000 at 7:00 a.m.

23. On the morning of November 14, 2000, even as the manual recount was commencing, the Canvassing Board abruptly reversed course and, in violation of

§ 102.166(5)(c), suspended the full manual recount of all ballots.

24. Prior to its suspension of the full manual recount, the Canvassing Board had stated its intention to apply its "detached chad" standard to review challenged punchcard ballots in the county-wide recount. The Florida Democratic Party has formally requested that Board to adopt a totality-of-the-circumstances standard, by which the Board would attempt to determine the voter's intent based on all of the evidence visible on the punchcard ballot.

The Democratic Party submitted a written brief on the issue on November 11, 2000. Despite these requests for a more accurate rule that recognizes all votes, the Board has held firm to its decision to apply the narrow "detached chad" test, in the event that it conducts a full manual recount.

Count I
Petition For A Writ Of Mandamus

25. The preceding paragraphs are incorporated herein as if fully set forth.

26. A writ of mandamus is required in order to compel the defendants on the Canvassing Board to perform a non-discretionary, ministerial function required by Florida law, i.e., resuming and completing the full manual recount of the Palm Beach county ballots.