RECOUNT

Resources to Support the Use of “Recount” in the Classroom

Synopsis

Recount brings viewers behind the scenes at the controversial Florida recount, pulling back the veil on the headlines to explore the human drama surrounding the most controversial Presidential Election in U.S. history.

Mixing news footage and verbatim dialogue into fictionalized re-creations, Recount examines the torturous process that culminated in the Supreme Court decision in Bush vs. Gore: Republicans seize the initiative as the case is tried in the judicial system and the court of public opinion; Democrats play catch-up until Ron Klain, Gore's former chief of staff, takes over and starts matching Baker's political hardball with tough moves of his own. Mutual respect forms between the two as the fate of the Presidency plays out.

Throughout the film, we witness the uncovering of many longstanding problems and imperfections in our nation's voting and legal system. From a faulty butterfly ballot design in Palm Beach County, to the issue of hanging chad and outdated voting machinery, we begin to see the way in which these problems, not exclusive to Florida, are a major detriment to our voting democracy. The fight to manipulate Florida’s undervotes by the Bush and Gore camps indicate the magnitude of the problem, demonstrating to America that not only does every vote not count, but that these uncounted votes are significant, and could determine the fate of an election.

The story allows us the opportunity to see our justice and legal system in action, to see the way in which citizens do and do not have power, and to witness the power of the media. It forces us to examine the laws under which we live, and reflect on the one overarching question that is central to the film: Is this a democracy?
**KEY FIGURES**

<table>
<thead>
<tr>
<th>Gore Camp</th>
<th>Bush Camp</th>
<th>Other characters</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ron Klain</td>
<td>Katherine Harris</td>
<td>Clay Roberts</td>
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<tr>
<td>Bill Daley</td>
<td>Ben Ginsberg</td>
<td>Theresa Lepore</td>
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<tr>
<td>Warren Christopher</td>
<td>James Baker III</td>
<td>Judge Burton</td>
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<tr>
<td>Michael Douley</td>
<td>Mac Stipanovich</td>
<td>Joseph Lieberman</td>
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<tr>
<td>David Boies</td>
<td>Jeb Bush</td>
<td>Carol Roberts</td>
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**Gore Camp**

Ron Klain - Gore’s Former Chief of Staff

*(Kevin Spacey)* - General Counsel to Gore’s recount committee

-One of “Lawyers of the Year” by National Law Journal

William Daley - Gore’s Campaign Chairman

*(Mitch Pileggi)* - Addressed War Memorial Plaza crowd on Nov 8, 2000, saying the “campaign continues” as the small margin of votes led Florida to a mandatory recount.

Warren Christopher - Former Secretary of State (1993-1997)

*(John Hurt)* - Supervisor of Gore’s Florida recount efforts

-Urged a disciplined approach to recount efforts; originally supported negotiations with Bush camp over litigation as solution

Michael Douley - Chief Political Strategist at Democratic National Committee

*(Dennis Leary)* - Key Strategist for Gore

-In the movie, depicted as the first person to notice problems in the number of votes

David Boies - Lead Counsel for Gore in connection with litigation relating to the 2000 presidential election and Florida recount

- US Department of Justice’s lead attorney in U.S. v. Microsoft (2000) in which Microsoft was accused of violating antitrust laws

David Morehouse - Aide to Gore

(Ethan S. Smith) - Stopped Gore from making his concession speech at War Memorial Plaza, Nashville, TN on Nov 8, 2000

**Bush Camp**

Katherine Harris - Secretary of State of Florida (1999-2003)

(Laura Dern) - Co-chair of Bush’s Florida Campaign

- Before the 2000 election, she paid Choice Point (parent company of Database Technologies) $4.3 million worth of public funds to generate a list of felons and people who have similar birthdates and names to these felons. This list rejected at least 22000 eligible voters from voting polls, half of them African-American.

Ben Ginsberg - Bush Presidential Campaign Chief Counsel in 2000

(Bob Balaban)

James Baker III - Former Secretary of State

(Tom Wilkinson) - Chief Republican Advisor

- Chief Legal Advisor and oversaw Florida recount

Mac Stipanovich - Republican Lobbyist; also known as “Mac the Knife”

(Bruce McGill) - Recruited by Baker to assist Harris in 2000 to halt and delay hand recount

Jeb Bush - Governor of Florida, served 2 terms (1999—2007); younger brother of President George W. Bush

(Matt Miller)

Joe Allbaugh - Bush 2000 Presidential Campaign Manager

(Stefen Laurantz)
<table>
<thead>
<tr>
<th><strong>Other Characters</strong></th>
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<tbody>
<tr>
<td><strong>Clay Roberts</strong></td>
<td><strong>Director of Elections in Florida 2000</strong></td>
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<tr>
<td>(Division of Elections)</td>
<td>-Oversaw prior mandatory machine recounts</td>
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<td></td>
<td>-Issued advisory opinion to Judge Burton of Palm Beach County, suggesting that a hand recount was needed only if there was a problem with the machines, not the ballots</td>
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<td><strong>Theresa LePore</strong></td>
<td><strong>Palm Beach County Supervisor of Elections</strong></td>
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<tr>
<td>(Palm Beach County)</td>
<td>-Designer of butterfly ballot. Printed candidates on both pages of the voting book, allowing her to use a bigger font size to assist the visually impaired</td>
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<td></td>
<td>-Initially voted to halt recount after Harris claimed hand count might be illegal, but proceeded with recount after approval by Florida Supreme Court</td>
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<tr>
<td><strong>Joseph Lieberman</strong></td>
<td><strong>Gore’s running mate, U.S. Vice-Presidential candidate in the 2000 presidential election</strong></td>
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<td>-Connecticut Senator since 1988, currently Independent-Democrat</td>
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<td></td>
<td>-Agreed that military ballots with no postmark, signatures and date should be counted, contrasting the opinion of Gore’s recount committee</td>
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<td><strong>Judge Charles Burton</strong></td>
<td><strong>Palm Beach County Judge</strong></td>
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<tr>
<td>(Palm Beach County)</td>
<td>-Election Canvassing Board chairman</td>
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<td>-Initially voted to halt recount after Harris claimed hand count might be illegal, but proceeded with recount after approval by the Florida Supreme Court</td>
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<td><strong>Carol Roberts</strong></td>
<td><strong>Palm Beach County Canvassing Board member</strong></td>
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<tr>
<td>(Palm Beach County)</td>
<td>-Supported hand recount from start to end</td>
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<td></td>
<td>-Required police protection after receiving death threats days after presidential election</td>
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**KEY TERMS**

**Vote Tabulation**
Process of collecting data (e.g. how the ballots ran through the machines) and summarizing data results. In vote tabulation, data would be the number of votes received by each candidate. Due to the ambiguity of the term, the two campaigns disagreed on how they defined an error in the vote tabulation system.

**Punch Cards Ballot**
Voters indicate their choice by punching out chad on the ballot. Candidates’ names are not on the ballot, but on a voting book attached to a ballot holding device that must be used along with the punch card ballots. Voters insert their ballots inside the device, and punch the hole that is associated with the candidates to indicate choice. In a normal voting book, all candidates’ names are listed on only one page; its opposite page is blank.

**Butterfly Ballot**
A type of punch card ballot with candidates names listed on both pages of the voting book.

**Dimpled Chad**
A chad that has an indentation but has not been penetrated through. This is one of the reasons why a ballot would be considered an undervote.

**Optical Scan voting system**
Similar to the scoring system used widely in standardized exams. Voters use a dark pen or #2 pencil to completely fill in a rectangle or oval that corresponds to the candidate. Ballots will then run through an optical scan machine. The optical scanning machine is twice as accurate as a punch card reading machine.

**Electoral College**
Group of electors who cast electoral votes to elect the President and Vice President. Each
state has a different number of electors; the number of electors is the state’s number of electoral votes. There are no federal laws that prohibit the electors from giving their votes to any candidate they prefer; however, some states have laws or pledges that require their electors to cast their votes to the presidential candidate who won the state’s popular votes.

**Popular Votes**

The number of individual votes a candidate receives. Under the Constitution, it is the electoral votes that determine the winner of the presidential election, not the nationwide popular votes.

**Undervotes**

Ballots that have not been recorded as a valid presidential vote and was not counted by the machines. This usually occurs when the machine is unable to read the ballot.

**Overvotes**

Occurs when the voter casts more votes than the maximum number allowed. In a presidential election, this would mean the ballot indicating more than one presidential choice. Overvotes are also not recorded as valid presidential votes.

**Advisory Opinion**

Advice on the interpretation of law or Constitution, issued by judiciary to the executive or legislative branches, usually upon request.
THEME 1: Political participation and voting

Before Viewing:

I. Discussion and Reflection:

1. Have students think about and discuss whether they will go to vote when they come of age? Why or why not?
2. Have students write down three issues and policies that are most important to them.

II. Group Activity: Have students compare and discuss the voter turnout of 2000 and 2004 elections.

<table>
<thead>
<tr>
<th>Voter Turnout Among Citizens: 2000 &amp; 2004</th>
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<tr>
<td>Age</td>
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<tr>
<td>18-24</td>
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<td>25-34</td>
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<td>35-44</td>
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<tr>
<td>65-74</td>
</tr>
<tr>
<td>75+</td>
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<tr>
<td>All Ages</td>
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http://www.civicyouth.org/PopUps/FactSheets/FS_Youth_Voting_72-04.pdf
Here are some questions for students to discuss:

- What are the differences in voter turnout among the different age groups? What patterns of voter turnout can be found in the table?
- If you were a presidential candidate and/or campaign manager, how would these numbers influence your campaign decision? If you had a limited budget for advertisement, which group would be your target audience?
- In your opinion, what is the most effective way to encourage young people to go to vote?

After Viewing:

I. Discussion:

1. What have you learned from this movie about voting?

2. What details will you look for when you vote?

Materials and Resources

THEME 2: Politics in Action

Before Viewing

I. Self-reflection: Have students write down their ideas and perceptions of politics. Questions to consider:

   o What does politics mean to you?
   o Where do these ideas and perceptions of politics come from?
   o Are these perceptions from mass media or people around you?
   o How valid and accurate are these perceptions of politics? How do you know?
   o Do you care about politics? Why or why not?

II. Group Activity: Have students share their written perceptions and ideas of politics in small groups. Remind students to explore how and why their perceptions of politics are different from other group members.

During Viewing

I. Play film chapter 22. In this chapter, James Baker said “dimpled chad is good, but the real question is, what would happen if they didn’t finish in 5 days” (1:03:05) and initiated a strategy to intentionally interrupt and delay the recount process. The hand recount process slowed down due to the interruptions from Republican Representatives. Here are a series of questions for students to discuss:

   1. What do you think of this strategy?
   2. What are the differences between these two approaches: 1) fighting against dimpled chad votes and 2) intentionally interrupting and delaying the recount?
   3. If you were in Baker’s position, would you use this strategy? Why, or why not?

Post Viewing

I. Play film chapter 12 (00:34:00-00:36:00) and have student to watch the following conversation:

    Christopher: The world is watching. This is a tremendous opportunity to show how a nation of our power can result a conflict as great as this to diplomacy and compromise.

    Baker: Compromise? I thought we are here to discuss scheduling.
Christopher: Yes, but it’s my feeling that we should be able to agree on a method to settle this matter.

Baker: There is nothing to settle. If we are ahead of the completion of this machine recount, our position is this: Governor Bush has won this election, Katherine Harris will certify the election, no negotiation, no compromise, no extension. Bush is president. I go home, and its end of story.

Discussion:

1. What are the priorities and political views of each camp in this conversation at this time?
2. What do you think about these views of politics? Do you agree with either of them?

Group Activity:

Divide students into small groups, and assign each member in the group to represent either the Republican or Democrat campaign. Ask the students to hold a conversation, just as Warren Christopher and James Baker did in the movie, attempting to come to a reasonable compromise with the election issues. Is there any possibility to reach consensus? Why or why not?
THEME 3: Ballot Design

Before Viewing

1. Ask the students to break out into groups, each doing quick internet research on one of the following four ballot types:
   - Datavote Ballots
   - Optical Scan Ballots
   - Paper Ballots
   - Votomatic Ballots

2. Have students present to the class the pros and cons of each ballot type. Then, ask the students to guess which type of ballot has:
   - the highest percentage of undervotes Votomatic
   - the highest percentage of overvotes Optical Scan (central)
   - give examples of an undervote Hanging Chad or half-filled ovals
   - give examples of an overvote 1 or more ovals filled
   - been used by the most number of counties? Optical Scan (combined types)
   - been used by the least number of counties? Paper

During viewing

Quick Notes

- What was the reasoning behind the butterfly ballot design?
- What was confusing about the butterfly ballot?
- Why were people more concerned with the undervotes?
- What is a hanging chad? What is a dimpled chad?
- What caused a ballot to be an undervote?
- How many counties did not run their ballots through the machine again?
- Why wasn’t a re-vote possible for voters who claimed they had voted for the wrong candidate?
- Which democratic county decided to count dimpled chad?
- Who had the authority to decide whether to count dimpled chad or not?
First opinions

- Do you think each county should have their own way in deciding the standards for recount?
- Do you think the Division of Elections should be stricter in their enforcement of mandatory machine recount?
- Do you think undervotes should be counted?
- Do you think it’s possible to recount spoiled ballots?
- What are the faults of the butterfly ballot?
- Should the butterfly ballot be used again?

After viewing

Design Your Own Ballot

Challenge students to design their own presidential election ballot. Students are free to create their own, original ballot design and vote tabulation system, as well as reforming any existing systems. After the 2000 election, Florida outlawed both punch cards and paper ballots. Students should present their new design with detailed descriptions including:

- A sample of what their ballot would look like
- Instructions on the ballot
- A plan on how to count the ballots
- Voting equipments needed
- Procedures booth volunteers need to be aware of

Remind students that, in addition to voting accuracy, the efficiency of voting equipment also depends on other variables, such as:

- Number of staff required to operate the voting equipment
- Amount of time needed for voters to complete their voting, long waiting lines discourage people to vote
- Possible frauds
- Technical difficulties

Resources:

Florida Ballot Project: [http://www2.norc.org/fl/](http://www2.norc.org/fl/)

Selected relating media special reports:
November 19, 2000 news article on hand recount

Difficulties with Electronic ballots after banning votomatic and datavote

Article on Florida ballots reform

Online video about voting equipments and interviews with voting booth officials
http://www.youtube.com/watch?v=3GnechyGv8

Help America Vote Act: http://www.fec.gov/hava/law_ext.txt
THEME 4: The Media

Before Viewing:
Discussion: Prior to showing the film, spend time discussing the influence of the media in the way that we interpret the world. Questions to consider:

1. In what ways do media have power over the opinions and beliefs of people?
2. Is the media responsible for presenting an objective telling of events?
3. To what extent do celebrities and/or well-known political figures have on the opinions and beliefs of people? In what ways could their opinions be capitalized on by the media?

During Viewing:

Discussion:

1. How did the media play a role in the projection and declaration of the 2000 presidential election winner? In what way is the media an authority and in what way are they not?

2. The power of the media's portrayal of events is an important discussion point. News reporters claimed that the protest outside Miami during the hand recount was peaceful with “children playing at the site.” What was the reality? How would a report like this affect the way the public receives and perceives information?

3. It is remarkable the power celebrities such as Jesse Jackson and other well-known political figures have on the opinions of people. How did Jesse Jackson’s presence in Palm Beach affect the people of Florida and the rest of the nation? How did it affect the Republican and Democratic campaign strategies?

4. How accurate do you think these real politicians and lawyers were being portrayed in the movie?

For further discussion, students can read the following NY Times article; Ron Klain, Warren Christopher and James Baker responded to their character in the movie:

http://www.nytimes.com/2008/05/14/arts/television/14reco.html

After Viewing Activities:

Project 1: Prepare a multimedia presentation of video clips, images, print, web and/or sound files that illustrate the way in which media can "frame" news events and stories.
Project 2: Create an "opinionated" news piece (news article, video or audio podcast) based on a current event. The "current event" could be news relevant to the student’s life, such as the election of prom king and queen, the school football team’s season, or the release of a new video game. Have the students list all of the "facts," then write or film a piece presenting those facts with the intention of getting the receivers to believe a particular opinion based on those facts.
THEME 5: The U.S. Electoral College and the Election Process

Before Viewing:

Quick Survey:
Take a class survey exposing what students do and don't know about the Electoral College and electoral procedures.
1. The President of the United States is elected by popular vote on Election Day. (True or False)
2. Every vote is counted on Election Day (True or False)
3. The Electoral College is responsible for electing the President of the United States. (True or False)
4. My state is allotted ___ electoral votes. (multiple choice) example: a) 1 b) 10 c) 27 d) What is an electoral vote?

Finding answers:
Split the class into four groups, each responsible for answering one of the following questions in a short, three minute presentation (use this document http://www.fec.gov/pdf/eleccoll.pdf and the resource links below as a starting point):
1. What is the Electoral College?
2. Why do we have an Electoral College and how did the Electoral College come into usage?
3. What is the official procedure for presidential elections? Illustrate an approximate time line of key events in any given presidential election year.
4. Is it possible for a president to win the popular vote but lose the election? How?

During Viewing:

1. In every presidential election, the media will announce the new President and Vice President by the morning after election day; however, when is the President and Vice-President actually elected?
2. What does it mean to "concede?"
3. Why did Al Gore retract his concession?
4. Why would a machine recount of Florida's ballots tally a slightly different number than the first time? How was this a threat to the Bush campaign?
5. Why did the Democrats initiate a hand recount?
6. What trend did the Democrats discover about old voting machines and the neighborhoods they serve?
7. What did the Democrats discover about voters being turned away from the polls?
8. Did the Republicans actively try to stop a hand recount? Why?
9. What issues did officials encounter with the hand recount?
10. Why did the Republicans want to count absentee ballots?
11. Are absentee ballots usually counted on Election Day?

After Viewing:

Is this a democracy?
The 2000 election has raised many issues regarding our country's voting system, and whether or not it is truly democratic in nature.

- Although African Americans were officially granted the right to vote in 1870, it wasn't until the National Voting Rights Act of 1965, when the federal government became active in helping to enforce the law that they could truly begin to participate. In the 2000 election, it was discovered that many votes from predominantly low-income and/or African-American communities were never counted. [http://election2000.stanford.edu/house_study_dem.pdf](http://election2000.stanford.edu/house_study_dem.pdf)
- In the 2000 election, Al Gore won the popular vote with 51,003,926 votes over George Bush's 50,460,110 votes. However, George Bush was declared winner, having obtained 271 electoral votes over Al Gore's 266 electoral votes. In almost every state, 100% of the state's allotted electoral votes are awarded to the candidate receiving a plurality of the state's votes, even if the race is very close. For example, Bush won Florida’s popular vote by only 537 votes, but took 100% of Florida's 25 electoral votes.
- In the 2000 election, the events that unfolded in Florida caused national attention and concern to long-standing issues of out-dated voting machines, ballot design, polling facilitation, and accessibility. These issues were found to be the cause of many undercounted votes and voting errors.

Activity: As a class, discuss and define the meaning of democracy, and whether or not this definition is reflected in our current voting system. Students can then work in groups to make a proposal for a new voting system that would reflect their definition of a democracy.

Resources:

Interactive Map: [http://www.270towin.com/](http://www.270towin.com/)
Presidential Elections Reform Program: [http://www.fairvote.org/?page=964](http://www.fairvote.org/?page=964)
Fair Vote: [http://www.fairvote.org/?page=1](http://www.fairvote.org/?page=1)
THEME 6: Our Government and the U.S. Supreme Court Decision

Before Viewing

Discussion
1. Ask the class to give examples of how the US government succeeds in the division of power.
2. Name the three branches of government. How do they affect each other? Give examples.
3. Ask students what they know about the U.S. Supreme Court.
4. Name some of the major Supreme Court cases that have had a significant impact on society.
5. How have these decisions affected you personally?
6. What is the hierarchy of the judiciary system? These pictures might be helpful:

During Viewing

1. What was Warren Christopher’s original standpoint on how to solve the recount problem?
2. Why did Democrats have trouble recruiting lawyers in Florida?
3. In which court did James Baker think the Republicans would definitely lose? Which court did he think they would be more likely to win in the long run?
4. What did Baker mean when he suggested that “it’s time to exercise our first amendment right”? What is the first amendment?
5. How many people were on the Palm Beach Canvassing Board? Why did they vote for a halt to the recount?
6. What were the advisory opinions?
7. Was Judge Burton of Palm Beach County troubled by Kerey Carpenter’s visit?
8. Who represented Gore during the trials? Why was this lawyer recruited?
9. What kind of legal responsibilities did Katherine Harris have towards the election results?
10. What is the Equal Protection Clause?
11. Why did the Bush camp think they had a small victory when they learned the Supreme Court didn’t set counting standards?
12. How do you feel about the fact that many counties did not run their ballots through the machines again?
13. Why didn’t Katherine Harris or Clay Roberts do anything to enforce counties to follow the guidelines?
14. Do you think Democrats should have begun planning for lawsuits earlier?
15. Do you think the Texas voting law signed by Governor Bush helped Gore’s case, or was it irrelevant to Gore winning in the Florida Supreme Court?
16. What impact did the advisory opinions issued by Clay Roberts and Katherine Harris had on the recount?
17. Why do you think some laws (e.g. vote tabulation) are so ambiguous? What are the advantages and disadvantages?

After Viewing

I. Reading the Supreme Court Decision

Part 1: Reading

- For students that are more experienced in reading long text, they should try reading the original Supreme Court Decision. The Supreme Court case started with a summary proceeding to the hearing, and went on to explain why the Equal Protection Clause was violated. It then illustrated why the recount effort was considered unconstitutional.
  - Full text: http://www.law.cornell.edu/supct/html/00-949.ZPC.html
- For students who are have less experienes in reading, or for classes that do not have enough time, they should begin with the excerpts
  - Excerpts:
    - On December 8, 2000, the Supreme Court of Florida ordered that the Circuit Court of Leon County tabulate by hand 9,000 ballots in Miami-Dade County. It also ordered the inclusion in the certified vote totals of 215 votes identified in Palm Beach County and 168 votes identified in Miami-Dade County for Vice President Albert Gore, Jr.
    - A dispute arose concerning the deadline for local county canvassing boards to submit their returns to the Secretary of State (Secretary). The Secretary declined to waive the November 14 deadline imposed by statute. §§102.111, 102.112. The Florida Supreme Court, however, set the deadline at November 26. We granted certiorari and vacated the Florida Supreme Court’s decision, finding considerable uncertainty as to the grounds on which it was based.
    - A “legal vote,” as determined by the Supreme Court, is “one in which there is a ‘clear indication of the intent of the voter.’ -- (Referring to Florida’s Supreme Court)
    - The petition presents the following questions: whether the Florida Supreme Court established new standards for resolving Presidential election contests, thereby violating Art. II, §1, cl. 2, of the United States Constitution and failing to comply with 3 U.S.C. § 5 and whether the use of manual recounts that lack standards violates the Equal Protection and Due Process Clauses. With respect to the equal protection question, we find a violation of the Equal Protection Clause.
    - II. A. This case has shown that punch card balloting machines can produce an unfortunate number of ballots which are not punched in a clean, complete way by the voter.
    - B. The individual citizen has no federal constitutional right to vote for electors for the President of the United States unless and until the state legislature chooses a statewide election as the means to implement its power to appoint members of the Electoral College.
    - Having once granted the right to vote on equal terms, the State may not, by later arbitrary and disparate treatment, value one person's vote over that of another.
The question before us, however, is whether the recount procedures the Florida Supreme Court has adopted are consistent with its obligation to avoid arbitrary and disparate treatment of the members of its electorate.

The problem inheres in the absence of specific standards to ensure its equal application. The formulation of uniform rules to determine intent based on these recurring circumstances is practicable and, we conclude, necessary.

As seems to have been acknowledged at oral argument, the standards for accepting or rejecting contested ballots might vary not only from county to county but indeed within a single county from one recount team to another.

The Florida Supreme Court’s decision thus gives no assurance that the recounts included in a final certification must be complete… consistent with the rules of the recount procedures to include whatever partial counts are done by the time of final certification…. The press of time does not diminish the constitutional concern. A desire for speed is not a general excuse for ignoring equal protection guarantees.

Our consideration is limited to the present circumstances, for the problem of equal protection in election processes generally presents many complexities.

Upon due consideration of the difficulties identified to this point, it is obvious that the recount cannot be conducted in compliance with the requirements of equal protection and due process without substantial additional work. It would require not only the adoption (after opportunity for argument) of adequate statewide standards for determining what is a legal vote, and practicable procedures to implement them, but also orderly judicial review of any disputed matters that might arise.

Because it is evident that any recount seeking to meet the December 12 date will be unconstitutional for the reasons we have discussed, we reverse the judgment of the Supreme Court of Florida ordering a recount to proceed.

Vocabulary:

Per Curiam—decision issued by court and not by individual Justices.

Certiorari—an order from a higher court to a lower court to send all documents related to a case for review of the lower court's decision.

Due Process Clause—part of the 14th amendment: “nor shall any state deprive any person of life, liberty, or property, without due process of law”.

Equal Protection Clause—part of the 14th amendment, the clause preceding the Due Process Clause: “nor deny to any person within its jurisdiction the equal protection of the laws.”
Part 2: Post-Reading

1. **For students who have finished reading the full text:** Have students read the selected excerpts (above). Discuss: Are these excerpts a good representation of the Supreme Court ruling? What are some of the limitations of reading excerpts, instead of the whole text? However, given the time constraint of most classes, do you think it is in the best interest of students to be asked to read the entire decision? Which would maximize the learning process: reading the entire decision, the excerpts, or just learning the summary and key points?

2. **The Equal Protection Clause**

   In the film, Ted Olsen, a constitutional attorney suggested to the Bush camp they could use the Equal Protection Clause to halt Gore’s recount efforts. The victims would be the people whose votes were not counted in their county but would be counted in another county due to a different recount standard.

   Suggested discussion questions:
   
   1. Do you think this was an appropriate application of the Equal Protection Clause?
   2. Do you think the Equal Protection Clause alone is enough to protect all citizens or do you think it needs further revision? Give examples.

II. **Reenacting the Supreme Court case**

   Depending on the number of students in the class, divide the students into two or three groups, representing the Bush camp lawyers, the Gore camp lawyers, and the Supreme Court justices. Ask each team to write an outline of the oral arguments of both sides. Tell students to write opening and closing statements, and include witnesses if necessary.

Resources

- USA Legal System  
- PBS Democracy Project  
  [http://pbskids.org/democracy/](http://pbskids.org/democracy/)
- Ben Guide  
- Supreme Court for kids  
  [http://www.timeforkids.com/TFK/specials/articles/0,6709,1103946,00.html](http://www.timeforkids.com/TFK/specials/articles/0,6709,1103946,00.html)