



IN THE CIRCUIT COURT OF SECOND JUDICIAL CIRCUIT
IN AND FOR LEON COUNTY, FLORIDA

HARRY N. JACOBS and
JOHN AND JANE DOES 1-NNN,

Plaintiffs,

Case Number 00.2816

v.

THE SEMINOLE COUNTY
CANVASSING BOARD, SANDRA
GOARD, KENNETH MCINTOSH,
JOHN SLOOP, THE FLORIDA
REPUBLICAN PARTY, RYAN MITCHELL,
MICHAEL LEACH, GEORGE
W. BUSH, RICHARD
CHENEY, THE STATE OF FLORIDA
ELECTION CANVASSING COMMISSION
and KATHERINE HARRIS,

Defendants.

FILED
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DAVE LANG
CLERK CIRCUIT COURT
LEON COUNTY, FLORIDA

COMPLAINT

Plaintiffs, Harry N. Jacobs and John and Jane Does 1-NNN, sue defendants, The Seminole County Canvassing Board, Sandra Goard, Kenneth McIntosh, John Sloop, The Florida Republican Party, Ryan Mitchell, Michael Leach, George W. Bush, Richard Cheney, the State of Florida Election Canvassing Commission, and Katherine Harris, and in support, state as follows:

Introduction

1. As one of the closest election campaigns in American history drew to a close, the Supervisor of Elections for Seminole County gave the Republican Party unfettered, unsupervised access to office space, records and equipment for ten days so that the Republican Party could alter signed Republican absentee ballot request forms

by inserting voter identification numbers insuring that the Republican absentee ballot program would succeed. Such conduct, besides constituting a third-degree felony under Florida law, changed the outcome of the Presidential Election.

Jurisdiction and Venue

2. This Court has subject matter jurisdiction as a Court of General Jurisdiction.

3. Venue is proper in the Second Circuit Court, In and For Leon County, Florida pursuant to Chapter 102.1685, Florida Statutes.

Parties

4. Plaintiff, Harry N. Jacobs, was and is, at all times material, was a resident and voter in Seminole County, Florida, was qualified to vote and did, in fact, vote in the November 7, 2000 election in Seminole County, Florida. Thus, Jacobs has standing under Section 102.168(1), Florida Statutes.

5. Plaintiffs, John and Jane Doe 1-NNN, are residents and voters in Seminole County, Florida.

6. Defendant, the Seminole County Canvassing Board, is the duly organized and authorized canvassing board or election board for Seminole County, Florida.

7. Defendant, Sandra Goard, is a member of the Seminole County Canvassing Board.

8. Defendant, Kenneth McIntosh, is a member of the Seminole County Canvassing Board.

9. Defendant, John Sloop, is a member of the Seminole County Canvassing Board.

10. Defendant, the Florida Republican Party, is a political party duly organized pursuant to Florida law.

11. Defendant, Ryan Mitchell, is a citizen of the State of Florida, and at all times material to this action, was a volunteer for the Florida Republican Party.

12. Defendant, Michael Leach, is a citizen of the State of Florida, and, at all times material to this action, was a paid employee of the Florida Republican Party.

13. Defendant, George W. Bush, was the Republican candidate for the office of President of the United States in the November 7, 2000 Election who benefited from the wrongful and felonious conduct alleged in this complaint.

13. Defendant Richard Cheney was the Republican candidate for the office of Vice President of the United States in the November 7, 2000 Election who benefited from the wrongful and felonious conduct alleged in this complaint.

14. Defendant, State of Florida Election Canvassing Commission receives the reports and county certifications of candidates for state and federal offices, including the Seminole County Canvassing Board, and determines, inter alia, who is the successful Presidential candidate in the November 7, 2000 Presidential Election.

15. Defendant, Katherine Harris, is Florida's Secretary of State whose duties include the statewide certification of election results.

Count 1 – Contest of Election (Chapter 102.168, Florida Statutes)

16. Plaintiffs re-allege and incorporate, as if fully set forth in Count I, the allegations of paragraphs 1-15.

17. Pursuant to Section 101.62, Florida Statutes (West 2000), an elector (or if authorized by the elector, his or her legal guardian or a member of his or her immediate

family ("Authorized Requestor") may request an absentee ballot from his or her county's supervisor of elections by providing the following information as part of the request:

- (1) The name of the elector for whom the ballot is requested;
- (2) The elector's address;
- (3) The last four digits of the elector's social security number;
- (4) The registration number on the elector's registration identification card;
- (5) The requestor's name;
- (6) The requestor's address;
- (7) The requestor's social security number and, if available, driver's license number;
- (8) The requestor's relationship to the elector; and
- (9) The requestor's signature (written requests only).

18. The director of the Florida Secretary of State Division of Elections has interpreted Section 101.62 as precluding the issuance of an absentee ballot unless the request for such ballot "contain[s] the information required by Section 101.62, Florida Statutes."

19. In or about the Summer and or early Fall of 2000, the Florida Republican Party, by itself and through a local and/or national affiliate, hired a private vendor to prepare several thousand absentee ballot request forms to be delivered to potential Republican absentee electors in Seminole County for those electors to complete and then to submit to the Supervisor of Elections ("the Party Forms").

20. In or about the Summer and early Fall of 2000, the private vendor hired by the Florida Republican Party delivered the Party Forms to potential Republican absentee electors.

21. When the potential Republican absentee electors received the Party Form, these electors completed the forms and submitted them to the Supervisor of Elections in order to allow an elector to vote by absentee ballot.

22. Upon receipt and review of the submitted party forms, Ms. Goard, the Supervisor of Elections for Seminole County, a member of the Canvassing Board for Seminole County, and a candidate for re-election on the Republican ticket, noticed that several thousand Party Forms were missing electors' voter identification numbers.

23. Upon noticing the failure of the Party Forms to comply with Section 101.62, Florida Statutes, Goard determined that the Party Forms were void under the statute.

24. Thereafter, Goard testified in her November 22, 2000 deposition that she received a telephone call from an "unidentified" member of the Florida Republican Party, requesting that Goard allow two Republican representatives to operate out of her office and modify the defective, rejected absentee ballot request forms.

25. Goard acquiesced to two members of the Florida Republican Party personally setting up shop in the office of the Supervisor of Elections of Seminole County, Florida, allowing them to fill in the missing numbers and subsequently sent out ballots based on the illegally completed forms.

26. Goard testified in her November 22, 2000 deposition that she did not take notes of her conversation with the unidentified caller from the Florida Republican Party,

nor did she seek any identification from this caller, nor did she discuss her conversation with any other employees in her office.

27. Goard and other employees of the Office of the Supervisor of Elections for Seminole County permitted Michael Leach and another, unidentified Republican representative to have unfettered, unsupervised access to the Office of the Supervisor of Elections, including non-public areas, so that Mr. Leach, his unidentified counterpart, and/or persons connected with the Florida Republican Party could repair the void Party Forms.

28. Goard testified during her November 22, 2000 deposition that she did not request any type of identification from the unidentified Republican representative, and simply allowed him free access to all areas of her offices.

29. During a nine to ten (9-10) day period in mid to late October 2000, Goard, and her members of the office of the Supervisor of Elections, fraudulently provided Leach and the unidentified Republican representative access to boxes containing thousands of void Republican request forms.

30. During the nine to ten (9-10) day period, Leach and the unidentified Republican Party Representative, through the use of fraudulently altered thousands of absentee request forms by adding missing voter identification numbers to each form – forms that had already been signed by the designated elector appearing on each form.

31. By altering these void absentee ballot request forms, the Republican representatives fraudulently caused the issuance of several thousand invalid absentee ballots that thereafter were cast in Seminole County in the November 7, 2000 Presidential Election, in contravention of Section 104.047, Florida Statutes.

32. In Seminole County, 15,215 absentee ballots were cast in the November 7, 2000 election for President of the United States. Republican candidate, George W. Bush, received 10,006 absentee votes in Seminole County while Democratic candidate, Albert Gore, Jr., received 5,209 absentee votes.

33. On Sunday, November 26, 2000, the election results for the State of Florida were certified by the defendant Katherine Harris, and the number of votes cast for Bush exceeded the number of votes cast for Gore by approximately 500-600 votes.

34. The fraudulent and/or illegal conduct of the Office of the Supervisor of Elections, by and through Goard and other agents, the Florida Republican Party, and the Republican representatives, including Leach and Mitchell, to fraudulently alter absentee ballot request forms, tainted the November 7, 2000 Presidential Election and were sufficient to change the outcome of that election by the counting of thousands of illegal, fraudulently obtained absentee ballots.

35. The Republican representatives – not the voters – re-submitted the request forms after adding missing voter identification numbers, which Goard accepted from the Republican representatives.

36. In her approximately 23 years as Supervisor of Elections for Seminole County, Florida, Goard never allowed:

- a. representatives of any political party to work out of her offices;
- b. representatives of any political party to handle absentee ballot request forms;
- c. representatives of any political party to handle any other documents related to an ongoing or imminent election in Seminole County, Florida; or

- d. re-submission of rejected request forms by a political party;
- e. re-submission of rejected request forms by any other public or private person or group.

37. The office of the Seminole County Supervisor of Elections and the Seminole County Canvassing Board, by and through Goard and other agents, treated the interests of non-Republican voters differently from those of Republican voters in that:

- a. other parties, including the Democratic Party were not notified of the actions of the Republican representatives, and, in fact, Goard informed Democratic Party representatives and other persons on or before November 7, 2000, that she would strictly enforce the requirements of Chapter 101.62, Florida Statutes, and would invalidate incomplete request forms; and

- b. in October 2000, Sandra Goard informed Democratic activists that any person requesting an absentee ballot must include his or her voter identification number on the application in order to receive a ballot and that her office would not provide voters with voter identification numbers

38. Following the election, between November 8, 2000 and November 10, 2000, Plaintiff, Harry N. Jacobs, was serving on behalf of the Seminole County Democratic Party as a volunteer observer in the office of the Supervisor of Elections in Seminole County during the voting recount ordered by Florida's Secretary of State, during which time Jacobs witnessed a conversation between Sue Kurgas, an employee of the Seminole County Supervisor of Elections, and another person in which Kurgas stated that Mr. Goad had permitted a representative of the Republican Party to spend

time in the supervisor's office with access to absentee ballot materials and, with use of laptop computers, modified the materials.

39. Jacobs thereafter asked Kurgas to explain that statement, to which she refused and, instead, locked herself in a sealed area of the Supervisor of Elections office.

40. While Kurgas was locked in another room, Jacobs informed Canvassing Board member, Kenneth McIntosh, of Kurgas' statement and asked that he question Kurgas.

41. McIntosh and the other members of the Canvassing Board immediately convened and, after reappearing, Goard stated that she had not authorized work on any voting materials on Election Day. Goard did state that members of the Florida Republican Party had been given access to the Office of the Supervisor of Elections for a few days to add information to absentee ballot request forms that Goard had rejected because they did not contain voter identification numbers as required by Florida law.

42. Further, James Stelling, Vice Chairman of the Florida Republican Party, acknowledged to a journalist that Goard had permitted the Republican representatives to work inside of her offices for approximately ten (10) days in mid to late October in order to alter thousands of invalid absentee ballot request forms.

43. Stelling also confirmed to the same journalist that the Republican representatives, with Goard's permission, had utilized a computer database containing the names of all registered Republicans in Seminole County by inserting voter identification numbers.

44. As a result of what he witnessed between November 8 - 10, 2000, including but not limited to the Kurgas conversation, on November 12, 2000, plaintiff Harry N. Jacobs filed a protest of the election results, pursuant to Chapter 166, Florida Statutes. Pursuant to Chapter 166, Florida Statutes, the Seminole County Canvassing Board is charged with investigating voter protests such as Jacobs'.

45. The Seminole County Canvassing Board did not investigate Jacobs' claims and, in a November 13, 2000 hearing on the matter, the Seminole County Canvassing Board declared Jacobs' allegations – inter alia, that the actions of Goard in allowing the party members to add information to the request forms was illegal and improperly affected the outcome of the election – to be without merit. The Canvassing Board, in expressing its intentions to verify the election results, failed to explain Goard's admission that she had permitted private parties working out of her offices to handle and alter thousands of absentee ballot request forms.

46. Section 101.62(b), Florida Statutes, mandates that the only persons who may request an absentee ballot are an elector, a member of the elector's immediate family, or the elector's legal guardian.

47. Section 101.62 goes on to require that a voter requesting an absentee ballot must disclose his or her registration number to the Supervisor of Elections.

48. Section 104.407, Florida Statutes declares that any person who requests an absentee ballot on behalf of an elector other than in the manner specified in Section 101.62, is guilty of a felony in the third degree.

49. By permitting the Republican representatives access to defective absentee ballot request forms, knowing that they intended to alter, and did alter, those

request forms, the Seminole County Canvassing Board, through Goard and other agents, committed felony violations of Section 104.047, Florida Statutes.

50. At all times material to this action, Goard was aware of the provisions of Chapter 104.047, Florida Statutes.

51. By certifying the county election, despite having knowledge of the fraudulent alteration of thousands of absentee ballot request forms, the Seminole County Canvassing Board, through Goard, McIntosh and Sloop, committed violations of Sections 102.62 and 104.047, Florida Statutes.

52. By soliciting fraudulent conduct from Goard and others, the Republican Party, Ryan Mitchell, and Michael Leach, committed violations of Sections 102.62 and 104.047, Florida Statutes.

53. By certifying the statewide election, in spite of the violations of Sections 102.62 and 104.047, Katherine Harris and the State of Florida Election Canvassing Commission violated those sections of Florida Statutes.

54. In addition to the foregoing, one or more voting precincts, upon information and belief that is based upon statistical analysis that is subject to further discovery, one or more voting precincts in Seminole County, Florida had returns that indicate the likelihood of significant irregularities, distorting the results of the Presidential Election in Seminole County to favor George W. Bush.

WHEREFORE, plaintiffs respectfully request that this Court exercise its discretion pursuant to Section 102.168(8), Florida Statutes, and enter an order:

One, declaring that the altering of the absentee ballot request forms to include missing voter identification numbers, as alleged herein, was illegal under Florida law;

Two, invalidating all absentee ballots cast in Seminole County in the November 7, 2000 election; or

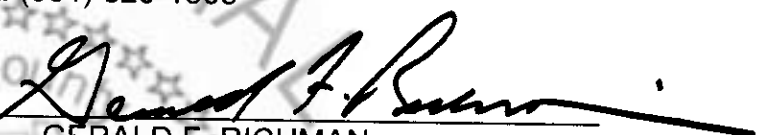
Three, invalidating those absentee ballots cast in Seminole County in the November 7, 2000 election that resulted from illegally obtained absentee ballot request forms in an amount proportionate to the amount of absentee votes received by each party; and

Four, order any further relief the Court deems just and appropriate.

Respectfully submitted,

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