

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

CASE NO.: 00-2808

ALBERT GORE, JR., Nominee of the
Democratic Party of the United States
For President of the United States, and
JOSEPH I. LIEBERMAN, Nominee of the
Democratic Party of the United States
For Vice President of the United States,

Plaintiffs,

-v-

KATHERINE HARRIS, as SECRETARY OF
STATE, STATE OF FLORIDA, and SECRETARY
OF AGRICULTURE BOB CRAWFORD, SECRETARY
OF STATE KATHERINE HARRIS AND L. CLAYTON
ROBERTS, DIRECTOR, DIVISION OF ELECTIONS,
Individually and as members of and as
THE FLORIDA ELECTIONS CANVASSING COMMISSION,

And

THE MIAMI-DADE COUNTY CANVASSING BOARD,
LAWRENCE D. KING, MYRIAM LEHR, and DAVID
C. LEAHY as members of and as THE
MIAMI-DADE COUNTY CANVASSING BOARD, and
DAVID C. LEAHY, individually and as
Supervisor of Elections,

And

THE NASSAU COUNTY CANVASSING BOARD,
ROBERT E. WILLIAMS, SHIRLEY N. KING,
AND DAVID HOWARD, (or, in the alternative,
MARIANNE P. MARSHALL), as members of and as
The NASSAU COUNTY CANVASSING BOARD, and
SHIRLEY N. KING, individually and as
Supervisor of Elections,

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CLERK OF CIRCUIT COURT
LEON COUNTY, FLORIDA

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And

THE PALM BEACH COUNTY CANVASSING BOARD,
THERESA LEPORE, CHARLES E. BURTON
AND CAROL ROBERTS, as members of and
As the PALM BEACH COUNTY CANVASSING
BOARD, and THERESA LEPORE, individually
And as Supervisor of Elections,

And

GEORGE W. BUSH, Nominee of the
Republican Party of the United States
For President of the United States, and
RICHARD CHENEY, Nominee of the
Republican Party of the United States
For Vice President of the United States,

Defendants.

ANSWER OF THE DEFENDANT NASSAU COUNTY CANVASSING
BOARD, ROBERT E. WILLIAMS, SHIRLEY N. KING,
AND DAVID HOWARD (or, in the alternative,
MARIANNE P. MARSHALL) as members of the NASSAU
COUNTY CANVASSING BOARD

COMES NOW the Defendant, THE NASSAU COUNTY CANVASSING
BOARD, ROBERT E. WILLIAMS, SHIRLEY N. KING, AND DAVID
HOWARD, (or, in the alternative, MARIANNE P. MARSHALL), as
members of and as The NASSAU COUNTY CANVASSING BOARD, by
and through its undersigned attorney, and files this Answer
to the Complaint to Contest Election filed herein and
states:

1. Admits the allegation in Paragraph 1 that this is
an action to contest the certification that George W. Bush
and Richard Chaney received more votes in the Presidential

election in the State of Florida than Al Gore and Joe Lieberman. Defendant is without knowledge as to the allegation as to the vote totals and the characterization of illegal votes, and as to whether the number of such votes is more than sufficient to place in doubt, indeed to change, the vote, and would demand strict proof thereof.

2. Admits the allegations set forth in Paragraph 2.

3. Admits the allegations set forth in Paragraph 3 that the canvassing board certified the number of votes for George W. Bush and Richard Cheney and the number for Al Gore and Joe Lieberman, is without knowledge as to the allegations set forth in Paragraph 3a; would admit the allegations set forth in Paragraph 3b that the Nassau County Canvassing Board amended its certification, but would deny that it did so by adding votes in violation of Florida law from earlier tabulations that previously had been rejected by the Canvassing Board as illegal; without knowledge as to the allegations set forth in Paragraph 3c; without knowledge as to the allegations set forth in Paragraph 3d.

COMMON ALLEGATIONS

4. Without knowledge as to the allegations set forth in Paragraph 4.

5. Admits the allegations set forth in Paragraph 5.

28. Admits the allegations set forth in Paragraph 28.
29. Admits the allegations set forth in Paragraph 29.
30. Admits the allegations set forth in Paragraph 30.
31. Admits the allegations set forth in Paragraph 31.
32. Admits the allegations set forth in Paragraph 32.
33. Admits the allegations set forth in Paragraph 33.
34. Admits the allegations set forth in Paragraph 34.
35. Admits the allegations set forth in Paragraph 35.

COUNT II (MIAMI-DADE COUNTY)

36. Defendant reasserts the answers set forth for Paragraphs 1 through 17.
37. Admits the allegations set forth in Paragraph 37.
38. Admits the allegations set forth in Paragraph 38.
39. Admits the allegations set forth in Paragraph 39.

COUNT III (NASSAU COUNTY)

40. Defendant reasserts the answers set forth for Paragraphs 1 through 17.
41. Admits the allegation set forth in Paragraph 41 that Robert E. Williams and Shirley N. King at all relevant times through November 24, 2000, were members of the Nassau County Canvassing Board, but would deny that David Howard was a member of the Canvassing Board on November 24, 2000, and would affirmatively state that Commissioner Marianne

Marshall was the substitute member for David Howard as of November 21, 2000.

42. Admits the allegations set forth in Paragraph 42.

43. Admits the allegations set forth in Paragraph 43.

44. Admits the allegations set forth in Paragraph 44 as to the machine recount that was required by the Secretary of State's Election office, but would deny that the Statute mandated a recount.

45. Admits the allegations set forth in Paragraph 45.

46. Would admit the allegations set forth in Paragraph 46 that Marianne Marshall served as a substitute Board member, and would admit that Marianne Marshall was a candidate for the November 7, 2000, election; but would affirmatively state that Marianne Marshall did not serve as a member of the Canvassing Board on November 24, 2000, in the capacity as a candidate.

47. Denies the allegations set forth in Paragraph 47 as to the Canvassing Board having met without notice pursuant to Section 286.011, Florida Statutes. Denies the allegation that the Board decided to submit a new certification, and would affirmatively state that the Canvassing Board unanimously voted, based upon opinion of the State Elections Office as conveyed by the Supervisor of Elections to re-certify the original election night

returns. Further, the Board denies the allegation that it had previously certified the November 7, 2000, results as incorrect.

48. Admits the allegations set forth in Paragraph 48.

49. Admits the allegations set forth in Paragraph 49.

50. Admits the allegations set forth in Paragraph 50 that the Subsections referenced address a person who is a candidate in the election being a Canvassing Board member, but would, again, affirmatively state that the substitute member was not a candidate at the November 24, 2000, meeting, and only the Presidential ballots were transmitted.

51. Admits the allegations set forth in Paragraph 51.

52. Denies the allegations set forth in Paragraph 52.

53. Denies the allegations set forth in Paragraph 53.

54. Denies the allegations set forth in Paragraph 54.

55. Denies the allegations set forth in Paragraph 55.

56. Denies the allegations set forth in Paragraph 56.

COUNT IV (REJECTION OF PALM BEACH MANUAL COUNT)

57. Reasserts the answers set forth for Paragraphs 1 through 17.

58. Without knowledge as to the allegations set forth in Paragraph 58.

59. Without knowledge at to the allegations set forth in Paragraph 59.

60. Without knowledge at to the allegations set forth in Paragraph 60.

61. Without knowledge at to the allegations set forth in Paragraph 61.

62. Without knowledge at to the allegations set forth in Paragraph 62.

63. Without knowledge at to the allegations set forth in Paragraph 63.

64. Without knowledge at to the allegations set forth in Paragraph 64.

65. Without knowledge at to the allegations set forth in Paragraph 65.

66. Without knowledge at to the allegations set forth in Paragraph 66.

COUNT V (PALM BEACH BOARD FAILURE TO COMPLETE MANUAL COUNT)

67. Reasserts the answers set forth for Paragraphs 1 through 17 and 58 through 66.

68. Without knowledge at to the allegations set forth in Paragraph 68.

69. Without knowledge at to the allegations set forth in Paragraph 69.

70. Without knowledge at to the allegations set forth in Paragraph 70.

71. Without knowledge at to the allegations set forth in Paragraph 71.

72. Without knowledge at to the allegations set forth in Paragraph 72.

73. Without knowledge at to the allegations set forth in Paragraph 73.

74. Without knowledge at to the allegations set forth in Paragraph 74.

COUNT VI (PALM BEACH COUNTY INTENT STANDARD)

75. Defendant reasserts the answers set forth for Paragraphs 1 through 17, 58 through 66, and 68 through 74.

76. Without knowledge at to the allegations set forth in Paragraph 76.

77. Without knowledge at to the allegations set forth in Paragraph 77.

78. Without knowledge at to the allegations set forth in Paragraph 78.

79. Without knowledge at to the allegations set forth in Paragraph 79.

80. Without knowledge at to the allegations set forth in Paragraph 80.

81. Without knowledge at to the allegations set forth in Paragraph 81.

82. Without knowledge at to the allegations set forth in Paragraph 82.

83. Without knowledge at to the allegations set forth in Paragraph 83.

84. Without knowledge at to the allegations set forth in Paragraph 84.

85. Without knowledge at to the allegations set forth in Paragraph 85.

86. Without knowledge at to the allegations set forth in Paragraph 86.

87. Without knowledge at to the allegations set forth in Paragraph 87.

88. Without knowledge at to the allegations set forth in Paragraph 88.

AFFIRMATIVE DEFENSES

FIRST AFFIRMATIVE DEFENSE

The Nassau County Canvassing Board unanimously voted to re-certify the results of the Presidential ballots based on repeated assertions and explanations from the Supervisor of Elections that an error occurred that caused votes not to be counted at the automatic recount. Further, the re-certification was based on advice transmitted to the


Supervisor of Elections from the Elections office of the State of Florida. The Canvassing Board's actions were taken to insure that the real parties in interest, the voters', rights were preserved.

SECOND AFFIRMATIVE DEFENSE

The Canvassing Board followed the notice procedures as to their meeting, including faxing notices to all of the party representatives and citizens who had attended previous meetings, and who, in fact, attended the meeting on November 24, 2000.

THIRD AFFIRMATIVE DEFENSE

The Nassau County Canvassing Board asserts that, based upon the "guiding principals" set forth in the Florida Supreme Court case, the Canvassing Board is prepared to conduct an automatic or manual count of the Presidential ballots.



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Canvassing Board

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true copy of the foregoing has been furnished to:

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For Plaintiffs

By U.S. Mail and fax transmittal, this 30th day of
November, 2000.

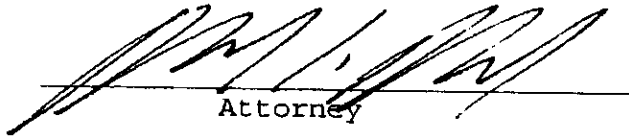


Attorney

h/anne/election/answer

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Armonk, NY 10504
For Plaintiffs

By U.S. Mail and fax transmittal, this 30th day of
November, 2000.



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h/anne/election/acc-serv

