

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

RONALD TAYLOR and
JOHN AND JANE DOES 1-NNN,

Plaintiffs,

Case Number CV 00-2850
Lewis

v.

THE MARTIN COUNTY
CANVASSING BOARD, PEGGY
S. ROBBINS, THE HONORABLE
STEWART HERSHEY, MARSHALL
WILCOX, THE FLORIDA
REPUBLICAN PARTY, TOM
HAUCK, GEORGE W. BUSH,
RICHARD CHENEY, THE STATE
OF FLORIDA ELECTION
CANVASSING COMMISSION
and KATHERINE HARRIS,

Defendants.

FILED
2005-11-14 AM 8:32
CLERK OF COURT
LEON COUNTY, FLORIDA

COMPLAINT

Plaintiffs, RONALD TAYLOR and John and Jane Does 1-NNN, sue defendants, The Martin County Canvassing Board, Peggy S. Robbins, The Honorable Stewart Hershey, Marshall Wilcox, The Florida Republican Party, Tom Hauck, 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 Martin County allowed the Republican Party to remove from public offices and any official supervision, absentee ballot forms, giving Republican Party personnel unfettered and unsupervised access to these official public

records, so that the Republican Party could alter signed Republican absentee ballot request forms by inserting voter identification numbers and/or other data insuring that the Republican absentee ballot program would succeed. Such conduct, besides constituting felonies 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, Ronald Taylor, was and is, at all times material, was a resident and voter in Martin County, Florida, was qualified to vote and did, in fact, vote in the November 7, 2000 election in Martin County, Florida. Thus, Taylor has standing to bring this action under Section 102.168(1), Florida Statutes.

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

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

7. Defendant, Peggy S. Robbins, is the Supervisor of Elections of Martin County and is a member of the Martin County Canvassing Board.

8. Defendant, The Honorable Stewart Hershey, is a member of the Martin County Canvassing Board.

9. Defendant, Marshall Wilcox, is a member of the Martin County Canvassing Board.

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

11. Defendant, Tom Hauck, is a citizen of the State of Florida, and at all times material to this action, was the Treasurer of the Martin County Republican Executive Committee.

12. 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 Martin 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 (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 in accordance with its express language 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, caused to be prepared several thousand absentee ballot request forms to be delivered to potential Republican absentee electors in Martin 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 Florida Republican Party caused to be 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 Martin County Supervisor of Elections in order to allow an elector to vote by absentee ballot.

22. Upon receipt and review of the submitted party forms, Defendant Robbins, the Supervisor of Elections for Martin County and a member of the Canvassing Board for Martin County, noticed that several hundred, and perhaps several thousand, Party Forms were missing electors' voter identification numbers and/or had other legal flaws.

23. Because the Party Forms failed to comply with Section 101.62, Florida Statutes, Defendant Robbins knew that the Party Forms were void under the statute.

24. Thereafter, Defendant Robbins arranged for and allowed Defendant Hauck and others, on a regular and frequent basis, to remove from her office and take to places unknown, Republican absentee ballots where the Republican representatives had unfettered and unsupervised access to these public records for the purpose of altering these public records, and then re-filing them with her in their feloniously altered condition. She then sent absentee ballots to these voters based upon these void and unlawfully altered requests.

25. On information and belief, Defendant Robbins made no arrangements to attempt to contact Democratic electors or members of the Democratic Party to allow them to alter void forms submitted by Democrats. Rather, on information and belief, such forms from Democratic electors were declared void and no ballots were sent to these Democratic electors.

26. During the period preceding the election, Defendant Hauck and other unidentified Republican Party Representatives, in fact fraudulently and feloniously altered thousands of absentee request forms by adding missing voter identification numbers and/or other information to each form – forms that had already been signed by the designated elector appearing on each form.

27. The Republican representatives – not the voters – re-submitted the request forms after adding missing voter identification numbers and/or other information, which Defendant Robbins accepted from the Republican representatives.

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

29. Section 101.62(3), Florida Statutes provides as follows:

For each request for an absentee ballot received, the supervisor shall record the date the request was made, the date the absentee ballot was delivered or mailed, the date the ballot was received by the supervisor, and such other information he or she may deem necessary.

30. Defendant Robbins completely failed to comply with this statute and in so doing, in combination with the actions of Defendant Robbins in allowing request forms to be removed from her office and altered, opened the door to the perpetuation of a massive fraud, such as has occurred herein.

31. In Martin County, 9,773 absentee ballots were cast in the November 7, 2000 election for President of the United States. Defendant Republican candidate, George W. Bush, received 6,294 absentee votes in Martin County while Democratic

candidate, Albert Gore, Jr., received 3,479 absentee votes. The disqualification of these absentee ballots would result in a net gain of 2,815 votes for Albert Gore, Jr.

32. 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.

33. The fraudulent and/or illegal conduct of the Office of the Supervisor of Elections, by and through Defendant Robbins and other agents, the Florida Republican Party, and the Republican representatives, including Defendant Hauck, 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 hundreds, and perhaps thousands of illegal, fraudulently obtained absentee ballots.

34. On information and belief, in her tenure as Supervisor of Elections for Martin County, Florida, Defendant Robbins never allowed:

- a. representatives of any political party to remove legally filed public records, specifically absentee ballot request forms, from her office;
- 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 Martin County, Florida; or
- d. representatives of either party to alter absentee ballot request forms;
- e. representatives of any political party to alter any other documents related to an ongoing or imminent election in Martin County, Florida; or
- f. re-submission of rejected request forms by a political party;

g. re-submission of rejected request forms by any other public or private person or group.

35. The office of the Martin County Supervisor of Elections and the Martin County Canvassing Board, by and through Defendant Robbins and other agents, treated the interests of non-Republican voters differently from those of Republican voters in that other parties, including the Democratic Party, were not notified of the actions of the Republican representatives and were not given an equal opportunity to resurrect voided absentee ballot request forms.

36. Following the election, Plaintiff, Ronald Taylor, spoke with Defendant Robbins, who admitted to him the substance of the allegations above. Defendant Robbins has also admitted publicly that she allowed the removal of at least "several hundred" incomplete absentee ballot applications from her office to the custody of republican party officials, only to be returned hours or days later. Ms. Robbins has also publicly admitted that she permitted Defendant TOM HAUCK to regularly pick up incomplete forms and return them with additional information.

37. 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.

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

forms, the Martin County Canvassing Board, through Peggy S. Robbins, The Honorable Stewart Hershey, and Marshall Wilcox, committed violations of Sections 102.62 and 104.047, Florida Statutes.

45. By soliciting fraudulent conduct from Defendant Robbins and others, the Republican Party, Defendant Hauck, committed violations of Sections 102.62 and 104.047, Florida Statutes.

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

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 and resubmission of the absentee ballot request forms, as alleged herein, was illegal under Florida law;

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

Three, invalidating those absentee ballots cast in Martin 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, require that the Defendant Martin County Canvassing Board amend/ re-certify its results of the November 7, 2000, election to Defendant Katherine Harris and the Florida Election Canvassing Commission and that these Defendants be required to amend/re-certify the State results in accordance with the corrected totals.

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

39. 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.

40. Once received by Defendant Robbins, the request forms became "public records" within the meaning of Section 119.011, Florida Statutes. Defendant Robbins was the lawful custodian of these public records, pursuant to Section 119.021, Florida Statutes.

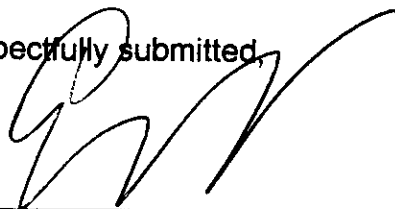
41. Pursuant to Section 119.031, Florida Statutes, "all public records should be kept in the buildings in which they are ordinarily used." Yet, Defendant Robbins allowed these public records to be removed from "the buildings in which they are ordinarily used," and to be altered in violation of chapter 119, Florida Statutes. In so doing, Defendant Robbins has committed a criminal offense, as is set out in Section 119.10 and 119.02, Florida Statutes.

42. By permitting the Republican representatives access to defective absentee ballot request forms, knowing that they intended to alter, and did alter, those request forms, and by accepting the altered requests for absentee ballots submitted by the Republican representatives, the Martin County Canvassing Board, through Defendant Robbins and other agents, committed felony violations of Section 104.047, Florida Statutes.

43. At all times material to this action, Defendant Robbins was aware of the provisions of Chapter 104.047, Florida Statutes.

44. By certifying the county election, despite knowledge of the fraudulent alteration of at least hundreds, and perhaps thousands, of absentee ballot request

Respectfully submitted,

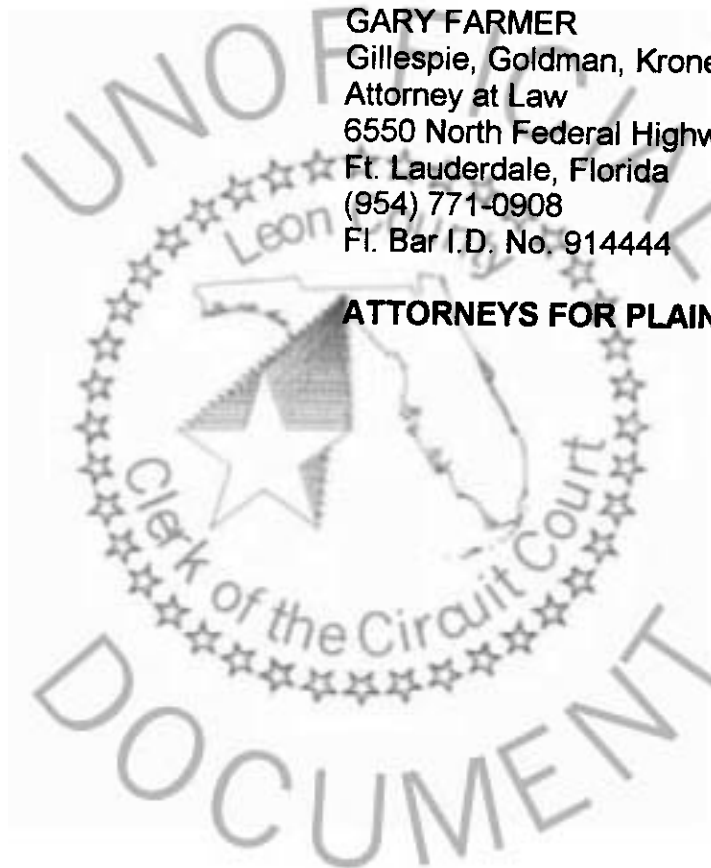


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Defendants.

**PLAINTIFFS' MOTION FOR AN IMMEDIATE HEARING AND
FOR LEAVE TO TAKE EXPEDITED DISCOVERY**

Pursuant to Section 102.168, Florida Statutes, Plaintiffs RONALD TAYLOR and JOHN AND JANE DOES 1-NNN, respectfully move for an immediate hearing on certain matters raised by their Complaint. Additionally, pursuant to Florida Rules of Civil Procedure 1.310 and 1.280 and Section 102.168(8), Florida Statutes, Plaintiffs respectfully move for leave to conduct expedited discovery, including the immediate commencement of depositions of Defendants Robbins, Stewart, Wilcox, and Hauck, and Charles Kane, Emma Smith, as well as various other key witnesses with information crucial to the resolution of this action including employees who worked

under Defendant Robbins in the Office of the Supervisor of Elections of Martin County that Plaintiffs believe are eyewitnesses to the conduct at issue in this action.

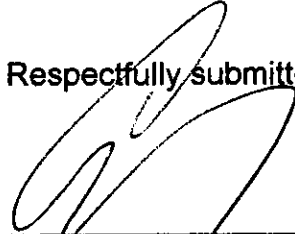
Section 102.168(7), Florida Statutes, provides that any plaintiff bringing an action under the statute "is entitled to an immediate hearing." Beyond that, this action involves a matter of utmost urgency to both the parties involved and the nation as a whole: the election of the next President of the United States. **As such, Plaintiffs respectfully request a hearing as soon as possible at a time convenient to the Court.**

The Court is vested with broad discretionary powers to control discovery. Moreover, Section 102.168, Florida Statutes, grants the Court with similarly broad discretion to "fashion such orders as he or she deems necessary to ensure that each allegation in the complaint is investigated." Given the exigent and highly irregular circumstances surrounding this action, justice requires the Plaintiffs be permitted to conduct expedited discovery to resolve this serious matter as quickly as possible. It does not overstate this case to declare that the Presidency of the United States could be directly impacted by this litigation. Indeed, it is difficult to fathom a fact pattern more in need of expedited discovery than this one. In light of the clear immediacy of the situation, Plaintiffs respectfully request that the Court permit expedited discovery in this action so as to ensure that all allegations in Plaintiffs' Complaint are investigated, beginning with the commencement of depositions this weekend.

For the foregoing reasons, Plaintiffs respectfully request that the Court (1) schedule an immediate hearing pursuant to Section 102.187(7), Florida Statutes, and (2) grant the Motion for Expedited Discovery.

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished this 1ST day of December, 2000, by hand delivery to the Clerk of the Court and by hand delivery and will be served with the complaint upon the above captioned Defendants.

Respectfully submitted,



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