

Index

A

Absentee ballots
 deadline for counting, 45, 47
 influence of on recount results, 34, 36, 38, 58
 mandatory vs. directory requirements, 97, 100–102
 military votes, 2, 21, 45, 47, 49, 74–80, 82
 mishandling of, 11, 60, 93, 95–102, 123, 131
Ahmann, John, 115–116
Allbaugh, Joe, 16, 27
Amended election returns, 32
American Reform Party, 10
Anstead, Justice Harry Lee, 125, 129
Article 2, U.S. Constitution, 9, 81, 85, 125, 127, 140, 148, 157, 160 *see also* Electors, selection of
Automatic machine recount, 2
Azar, Alex, 15

B

Baker, James A. III, 5–7, 10–11, 12, 14–16, 18, 19, 21–22, 26, 27, 32, 39, 49, 52–54, 61, 62, 67, 69, 71, 79, 80, 82, 91, 93–94, 138, 139, 156, 161, 163
Bartlit, Fred, 77–78, 104, 119
Beck, Phil, 32, 62, 104–105, 107, 110–114, 116, 118, 119, 121, 126, 134, 139, 140–141
Beckstrom v. Volusia County, 97
Begala, Paul, 27
Berger, Mitchell, 98, 104
Boardman v. Esteve, 96–97
Boies, David, 15, 32, 38, 41–42, 44–46, 49, 50, 52, 58–59, 73, 91, 103–109, 111–112, 116, 121, 122, 123, 131, 134, 135, 145, 150–153, 162, 166
Bolten, Josh, 15, 18, 53, 82
Bolton, John, 15, 16, 68–69, 70–71, 130, 138, 161
Brace, Kimball W., 105, 108–109

- Breyer, Justice Stephen, 144,
149, 157, 159, 160
- Bridgeland, John, 15
- Bristow, Daryl, 93–94, 99–102
- Broward County
 Bush team deployed to, 15,
58, 61–62
 independent party voter regis-
 tration in, 10
 manual recount, Gore de-
 mand for, 13, 36
 manual recount, standards
 for, 25, 44, 58, 59–60,
141, 157, 159
 military votes in, 76
 recount process in, 23, 31,
34, 57–58, 116–117, 118
 results of recount, 62, 64, 66,
78, 89
 voter intent, questions of, 28
- Broward County Canvassing
 Board v. Hogan*, 47
- Browne, Harry, 10
- Buchanan, Patrick, 4, 8, 9–10
- Burchfield, Bobby, 15, 62, 65,
67–68
- Burton, Judge Charles E., 28,
29, 70–71, 72, 112–113,
132, 135
- Bush, Barbara, 6
- Bush, Governor Jeb, 7, 16, 27,
94, 156
- Bush, President George H. W.,
5, 15, 76
- Butterfly ballot controversy, 3,
8–11, 56, 85, 114
- Butterworth, Attorney General
 Robert A., 29–30, 57, 77
- C**
- Card, Andrew, 22
- Cardenas, Al, 1, 7, 16, 28
- Carroll, Jane, 28, 57
- Carvin, Michael, 15, 18, 39–40,
42–44, 46–47, 48–49, 82,
84, 129, 130, 146
- Certification of election results,
30–36, 49, 50–51, 78,
103
- Chad(s)
 buildup of, 105, 108–109, 115
 defined, 25
 dimpled, 24, 25, 28, 52, 58,
61, 64, 69–71, 72, 109,
112–113, 141
 hanging/swinging, 25, 44,
57–58, 60, 115
 mutilation of, 109, 117
 precedent for dealing with,
25, 57
 pregnant, 28, 58, 64, 70
- Character assassination, 17
- Cheney, Dick, 22, 24, 79, 80,
161
- Chiles, Governor Lawton, 19, 94
- Christopher, Warren, 4, 11, 13,
23, 162
- Civil rights, violations of,
56–57, 100
- Clark, Judge Nikki Ann, 94,
100–102, 131
- Clinton, President Bill, 6
- Coffey, Kendall, 104, 117
- Collier, Judge Lacey A., 78
- Commission on Civil Rights,
U.S., 56
- Concession statements, Gore, 1,
131
- Congressional Black Caucus, 56
- Consent decree, military votes,
74–75
- Contest period, 43–44, 47, 51,
78–79, 82–83, 93, 106, 130
- “Count every vote” mantra, 4,
22, 98, 112

Court of Appeals for the
Eleventh Circuit, U.S., 26,
52, 82, 131, 143
Cruz, Ted, 14, 141
Cuban-Americans, 63, 65, 66, 67

D

Daley, William, 4–5, 8, 11, 23,
162
Danforth, Senator John, 20
De Grandy, Miguel, 63, 67
Delahunt v. Johnson, 58–59
Democratic National Committee
(DNC), 56, 98
Democratic strategy to contest
election results, principal
elements of, 4
Dempsey, Jack, 98
Dershowitz, Alan, 27
Diaz-Belart, Representative
Lincoln, 65
Dietrich, Denise, 70, 72
Dimpled chads, 24, 25, 28, 52,
58, 61, 64, 69–71, 72, 109,
112–113, 141
Disenfranchisement, 4, 56, 96,
155
District Court for the Northern
District, U.S., 78
Dole, Bob, 11, 61, 75
Donatelli, Frank, 79, 86–87
Douglas, W. Dexter, 19, 104
Downs, Timothy, 13
Due Process clause, 24, 42, 82,
90, 94, 121
Duval County, 11, 16, 76

E

Election night returns, 1–2
Electoral College, 5, 30, 68,
155, 165

Electors, selection of, 7, 9,
42, 46, 81, 84–85, 121,
154
Elhague, Einer, 85
Engler, Governor John, 61
Enright, Randy, 1, 7, 16, 57
Equal Protection clause, 24, 42,
82, 90, 94, 121, 127, 129,
140, 147, 150–151,
157–158
Evans, Don, 2, 9, 145, 161
Exit polls, 3

F

Federal courts, Bush camp's
hopes for, 27, 40, 53–54
Feeney, House Speaker Tom, 86,
122, 154–155
Felons, voting by, 57
First Amendment, 24, 81
Flanigan, Timothy, 14, 18
Florida Administrative Code, 75
Florida Election Code, 29, 52, 148
Florida legislature, as last resort
to determine election out-
come, 54, 154–157
Florida Supreme Court, *see*
Supreme Court of Florida
Fourteenth Amendment, 24, 81,
140 *see also* Due Process
and Equal Protection
clauses
Fraud, 3, 8, 35, 97
Fried, Charles, 85

G

Gadsden County, 11
Geller, Joe, 66
Ginsberg, Ben, 1–3, 6–7, 12,
14–16, 26, 49, 53, 62, 71,
82, 93, 114, 142

Ginsburg, Justice Ruth Bader, 88, 144, 147, 149
 Goard, Sandra, 95–96, 101
 Goldwater, Barry, 105
 Gonzalez, Elian, 63
Gore v. Harris decision, 50–52, 134–135, 154, 165
Guidelines on Ballots with Chads Not Completely Removed, 25
 Gunzburger, Suzanne, 57, 61, 62

H

Hancock, Paul, 43, 44, 88
 Hanging chads, 25, 44, 57–58, 60, 115
 Harding, Justice Major B., 44, 124, 129, 136, 137–138
 Harris, Secretary of State
 Katherine, 17, 27–29, 38, 43, 48, 50, 71, 78, 88, 100, 103, 110, 127, 145
 Hayes-Tilden presidential race, 86
 Hengartner, Professor Nicholas, 105, 109–111, 113
 Herron, Mark, 75, 77
 Hershey, Stewart, 95
 Hillsborough County, 3
 House Victory 2000, 95

I

Illegal ballots, *see* Butterfly ballot controversy
 Illiteracy, 17
 Independent Party, 3–4, 10

J

Jackson, Reverend Jesse, 9, 56, 100
 Jacobs, Harry, 96

Jacobs, Rabbi Steven, 56
 James Foster and Associates, 94–95
 Jenkins, William, 118–119
 Jimenez, Frank, 7
 Jimenez, Marcos, 15, 16
 Johnson, Clay, 22
 Juster, Kenneth, 6, 15, 32, 119, 130, 141

K

Kahn, Steve, 155
 Kaplan, Joel, 67, 68
 Keating, Governor Frank, 61
 Kelley, Bill, 15
 Kennedy, Justice Anthony, 87, 89, 145, 146, 150, 159
 King, Judge Lawrence, 63, 64, 66
 King, Shirley, 116
 Kirsch, Steven, 98
 Klain, Ron, 140
 Klock, Joe, 28, 34–36, 43, 44, 47–48, 88, 127, 145, 148–149

L

Labarga, Judge Jorge, 30, 69–70, 71, 72, 105, 112, 113
 Language problems, 17
 Lavelle, Michael E., 58–59
 Leach, Michael, 95, 96, 101
 Leahy, David, 63–64, 66, 112, 139
 Lee, Judge Robert, 57–58, 59, 60–61
 Lehane, Chris, 8, 27
 Lehr, Miriam, 63, 64, 66
 Leon County, 35, 77–78, 93, 103, 141
 LePore, Teresa, 8, 25, 57, 69, 70, 71

Lewis, Judge Terry P., 32–36,
38, 47–48, 51, 101, 131,
139–141, 144, 147
Lewis, Justice R. Fred, 129
Libertarian Party, 10
Lieberman, Senator Joseph, 68,
77, 131, 162
Lindsey, Lawrence, 22

M

Machine recount, 2, 11, 55, 69
Mack, Senator Connie, 3, 28
MacKay, Buddy, 3, 28
Madigan, Mike, 15, 58, 60–62
Manual recount(s)
 arguments against, 18–19, 28
 Bush response to demand for,
 16–17
 counting methods, disparity
 in, 46
 court orders concerning, 30
 deadline for completing, 17,
 26, 30–36, 43, 47–48,
 50–52, 64–68, 72–74, 82,
 120, 134–135
 early federal suit to block, 20,
 21
 fines for filing late returns, 51
 Florida law concerning,
 17–18, 33
 Gore demand for, 4, 13–14
 human error and, 22, 23
 observers, 65–66, 68, 70
 precedent for, 3
 standards for, 23, 24–26,
 36–37, 42–44, 46, 55,
 58–60, 62–67, 70–71, 111,
 116, 118, 120, 132, 135,
 137, 141, 157, 159
 voter tabulation error as justi-
 fication for, 27, 28–29, 48,
 64

Marais, Laurentius, 113–114
Margolis, Gwen, 64
Martin County, 93–102, 123,
131, 146
Martinez, Roberto, 63, 64
McKay, Senator John, 155
McPherson v. Blacker, 89
Mehlman, Ken, 15, 65
Meyers, Andrew J., 44, 60
Mfume, Kweisi, 56
Miami-Dade County, 62–68
 Bush team deployed to,
 62–63, 65
 challenges to recount results,
 106
 decision to stop counting in,
 31, 62, 82, 111–112
 in Florida Senate race (1988), 3
 manual recount, deadline for
 completing, 64–65, 66,
 67–68
 manual recount, Gore de-
 mand for, 13, 63–64
 observers to counting process,
 65–66, 68
 recount, standards for, 63–67,
 116, 159
 recount process in, 23, 34,
 57, 63–67
 results of recount, 66–68,
 103, 120, 135
 undervotes, 62, 63–64,
 65–66, 67, 103, 107,
 113–114, 125–126, 128,
 129, 131–132, 133,
 135–136, 139–140
 voter intent, questions of, 28
Middlebrooks, Judge Donald
 M., 24, 26, 52, 53
Military votes, 2, 45, 47, 49, 82,
74–80
 consent decree concerning,
 74–75

Miller, Judge John A., 58, 59
 Mishandling of ballots, 22, 24,
 60, 117, 141
 absentee, 11, 60, 93, 95–102,
 123, 131
 Mullins, Janet, 5

N

NAACP, 56
 Nadler, Representative Jerrold, 68
 Nassau County, 103–104, 106,
 111, 116, 120, 132, 135
Nelson v. Robinson, 9
 Noncompliance with election
 procedures, 35

O

O'Connor, Justice Sandra Day,
 91, 145, 146, 150, 153, 159
 Olson, Ted, 14, 19, 20, 21, 23,
 24, 53, 82, 84–85, 87–88,
 91, 139, 141, 142,
 145–148, 153
 One man, one vote theory, 24,
 144
 Overturning an election, preced-
 ents for, 36
 Overvotes, 153, 158
 Oxford, Patrick, 60, 62

P

Palm Beach County
 Bush team deployed to, 15,
 69, 71–72
 butterfly ballot controversy,
 3, 8–11, 56, 85, 114
 chads, precedent for dealing
 with, 25, 57, 69
 challenges to recount results,
 36, 106

 deadline for completing re-
 count, 72–74, 78, 82,
 134–135
 machine recount, 11, 13
 manual recount, Gore de-
 mand for, 13, 18
 manual recount, standards
 for, 24–25, 44, 59, 62,
 70–71, 111, 120, 132, 135,
 157, 159
 miscast votes, complaints of,
 3–4
 observers to counting process,
 70
 recount process, 23, 30, 31,
 34, 70–71
 results of recount, 62, 66,
 73–74, 129
 undervotes, 114
 voter intent, questions of, 28,
 71
 votes in 1988 Florida Senate
 race, 3
 Pariente, Justice Barbara J., 46,
 48, 125, 129
 Pataki, Governor George,
 61
 Perot, H. Ross, 6, 104
 Pinellas County, 11, 13
 Poe, Bob, 76, 96
 Police roadblock, as a civil
 rights violation, 56–57
 Political gamesmanship, 10
 Polk County, 11
 Popular vote, 4, 54, 156
 Pregnant chads, 28, 58, 64,
 70
 Protest period, 43, 44, 47, 93,
 128
 Public opinion, attempts to in-
 fluence, 21–23
Pullen v. Mulligan, 52, 58–59,
 60, 111

Punchcard voting system, 25,
115 *see also* Chad(s);
Votomatic machines

Q

Quince, Justice Peggy, 124, 129

R

Racicot, Governor Marc, 11,
59, 60, 67

Racism, 4, 56

Radio Mambi, 65

Reagan, President Ronald, 5,
105

Reasonable probability stan-
dard, 111, 120, 124, 133

Recount(s)

Bush-Baker early strategy for,
55–56

Bush camp's objection to,
140–141

challenges to results of, 36,
106–107

deadline for completing, 17,
26, 30–32, 30–36

Democratic demands for, 4,
13–14, 16–17

early preparations for, 2–3

errors in, 12–13, 22, 23, 103

final Florida Supreme Court
ruling, implementation of,
139–142

Florida law concerning,
17–18, 33

in Florida Senate race (1988),
2

Florida Supreme Court rul-
ings on, 26, 33, 38–39,
50–52, 121, 131–132,
136–138

machine, 2, 11, 55, 69

selective vs. statewide, 36–38,
46, 132

Texas statute, 23–24, 48

see also Manual recount(s)

“The Recount Primer,” 13–14

Reform Party, 10

Regan, Donald, 5

Rehnquist, Chief Justice William
H., 145, 149, 157, 159, 160

Republican National Committee
(RNC), 3

Republican strategy to defend
election results, principles
of, 6–7

Revote, 9

Rice, Condoleeza, 22

Richard, Barry, 7, 40, 43,
49–50, 71–72, 99,
107–108, 123, 124–127,
129, 130

Richman, Gerald, 98, 101, 118

Right to vote, 4, 24, 41, 51, 76

Roberts, Carol, 69, 70, 71

Roberts, L. Clayton, 17, 28, 73

Robinson, Jeffrey, 109

Rodriguez, 63, 68

Rogue dimples, 64

Rosenberg, Judge Robert, 57, 61

Ross, Dennis, 5, 6

Roudebush v. Hartke, 43

Rove, Carl, 9–10, 145

Rubottom, Don, 86, 154

Rush to judgment, 5

Russert, Tim, 76

S

Safe harbor provision, 25–26,
42–43, 81, 85, 86–87, 90,
92, 125, 127–128, 146,
148, 165

Sandler, Joe, 98

Sarasota County, 3

- Sauls, Judge Sanders, 62, 90–92, 105–107, 111–113, 117, 119–121, 124, 125, 126, 128, 130–134, 138–139, 141, 146, 152
- Sautter, Chris, 13, 14
- Scalia, Justice Antonin, 87, 89, 145, 149, 152, 157
- Scherer, Bill, 61
- Schnitt, Todd, 101
- Schwarzkopf, General Norman, 76
- Scott, Jack, 67
- Selective vs. statewide recount, 36–38, 46, 132
- Seminole County, 93–102, 123, 131, 146
- Shaw, Justice Leander J., 129, 136, 137–138, 165
- Smith, Dorrance, 76
- Souter, Justice David, 144, 147–148, 149, 151, 157, 159, 160
- Spargo, Paul, 117
- Spiegel, Matthew, 12–13
- Statewide vs. selective recount, 36–38, 46, 132
- Statutory compliance standard, 126
- Stevens, Justice John Paul, 144, 145, 149, 152, 158–159
- Sunshine laws, 60, 65
- Sunshine tests, 69
- Supreme Court of Florida
 Bush camp's distrust of, 19, 40
 Bush position, last-minute change in, 130
 evidence of bias in, 134, 135, 137
 final opinion of, 165–166
 Gore camp's arguments before, 41, 45–47, 68, 124
 jurisdiction, questions concerning, 123–125, 130, 146
 as perpetrator of a constitutional crisis, 162–163
 recounts, rulings on, 26, 33, 35, 38–39, 50–52, 121, 131–132, 136–138
 undervotes, ruling on, 131–132, 135–138
- Supreme Court, U.S.
 Bush camp's hopes for, 40, 47, 52–53, 82–84, 139, 143–144
 Bush position on recounts, change in, 145–146
 certification deadline, rulings on, 26, 81, 90–92, 119
 final arguments before, 145–154
 final ruling on recount, 157–161
 implications of decision by, 92
 justifications for bringing suit before, 84–85
 precedent for recount, 43
 recount, stay order concerning, 144–145
- Sweeney, Representative John E., 61, 65
- Swinging chads, *see* Hanging chads
- T**
- Talking points, 5, 15, 50
- Tampering, 96, 99 *see also* Mis-handling of ballots
- TeleQuest, 56
- Terrell, Irv, 32, 104, 107–108, 112, 117–118, 122, 124, 126
- Terwilliger, George III, 14, 19, 52, 62, 82, 91, 139

- Texas recount statute, 23–24, 48
 Thomas, Justice Clarence, 145, 157
 Thurmond, Strom, 105
 Tribe, Laurence, 85, 88–89, 145
 Tutwiler, Margaret, 5, 6
 Two-corner counting standard, 61, 63, 66
 Two-tier voting system, 29–30, 120
- U**
- Undervotes
 concentration of in Democratic precincts, 16–17, 109
 in Florida Senate race (1988), 3
 Florida Supreme Court ruling on, 131–132, 135–138
 as justification for manual recount, 27, 28–29
 machine failure and, 115
 in Miami-Dade County, 62, 63–64, 65–66, 67, 103, 113–114, 125–126, 128, 129, 131–132, 133, 135, 137, 139–140
 standards for counting, 60, 109
- V**
- Van Thyne, Kirk, 15
 Victory speech (Bush), 79–80
- Visual inspection of ballots, 18, 59
 Volusia County, 10, 13, 18, 23, 31, 34, 64, 141, 159
 Voter error, 57, 110, 118, 120, 126, 162
 Voter intent, 18, 25, 52, 59, 60, 69, 71, 110, 118, 126, 140, 151, 162
 Voter News Service, 3
 Vote tabulation, errors in, 3, 17–18, 22, 23, 26–27, 28–30, 48, 50, 57, 64, 160
 Voting irregularities, 56–57
 Voting Rights Act of 1965, 67, 129, 140–141
 Votomatic machines, 67, 72, 105, 108–109, 114, 115
- W**
- Wells, Chief Justice Charles, 44, 123, 128, 136, 146
 Whitman, Governor Christine Todd, 11, 61, 62
- Y**
- Young, John Hardin, 13–14
- Z**
- Zack, Steven, 104, 115
 Zoellick, Robert, 5, 6, 12, 14, 18, 27–28, 52, 82–83, 84

