

Supreme Court of Florida

THURSDAY, DECEMBER 14, 2000

**ALBERT GORE, JR., ET AL. vs. KATHERINE HARRIS, ETC.,
ET AL.**

Case No. SC00-2431

DCA Case No. 1D00-4745
Circuit Court Case No. 00-2808

Appellants

Appellees

ORDER ON REMAND

This case is before the Court on remand from the United States Supreme Court. See Bush v. Gore, No. 00-949 (U.S. Dec. 12, 2000). The per curiam opinion of the Supreme Court majority specified that in order for a manual recount to continue:

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. In addition, the Secretary of State has advised that the recount of only a portion of the ballots requires that the vote tabulation equipment be used to screen out undervotes, a function for which the machines were not designed. If a recount of overvotes were also required,

perhaps even a second screening would be necessary. Use of the equipment for this purpose, and any new software developed for it, would have to be evaluated for accuracy by the Secretary of State, as required by Fla. Stat. § 101.015 (2000).

Id., slip op. at 11-12. The Supreme Court majority ultimately concluded that:

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.

Id., slip op. at 12.

On the date of the subject election, the Florida Election Code did not provide the elements necessary for a resolution of the disputed issues, based on the constitutional parameters expressed by the United States Supreme Court. Accordingly, relief cannot be granted, and this case is dismissed. Opinion may follow.

No motion for rehearing will be allowed.

WELLS, C.J., and SHAW, HARDING, ANSTEAD, PARIENTE, LEWIS and QUINCE, JJ., concur.

A True Copy

TEST:

A handwritten signature in black ink that reads "Thomas D. Hall". The signature is written in a cursive, flowing style.

Thomas D. Hall
Clerk, Supreme Court

tc

Served:

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