

115-199AX-01

Bill No. HCR 1-A

Amendment No. \_\_\_\_ (for drafter's use only)

	<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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2		.	
3		.	
4		.	

ORIGINAL STAMP BELOW

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Representative(s) Frankel, Wiles, Kosmas, Henriquez, Smith, Wilson, Ryan, Heyman, Bucher, Cusack, Gannon, Romeo, Lerner, Peterman, Holloway, Jennings, Justice, Wishner, Weissman, Machek, Bendross-Mindingall, Brutus, Joyner, Rich, Siplin, Slosberg, Sobel, Gelber, Meadows, Harper, McGriff, Betancourt, Gottlieb, Ausley, and Greenstein offered the following:

**Amendment (with title amendment)**

remove: everything after the resolving clause

and insert in lieu thereof:

That the Florida Legislature take no action to interfere with the lawful ongoing election process created prior to the election of November 7, 2000.

BE IT FURTHER RESOLVED that the Florida Legislature congratulate the next President of the United States.

===== T I T L E    A M E N D M E N T =====

And the title is amended as follows:

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1 remove: everything before the resolving clause

2

3 and insert in lieu thereof:

4 WHEREAS, Article II, Section 1 of the Constitution of  
5 the United States provides, in pertinent part, that "Each  
6 state shall appoint, in such Manner as the Legislature thereof  
7 may direct, a Number of Electors, equal to the whole Number of  
8 Senators and Representatives to which the State may be  
9 entitled in Congress," and

10 WHEREAS, the Legislature of this state has placed the  
11 decision for election of the President of the United States,  
12 as well as every other elected office, in the citizens of this  
13 state through a statutory scheme as set forth in section  
14 103.011, Florida Statutes, and

15 WHEREAS, an election was held in this state on November  
16 7, 2000, for the purpose of selecting electors from Florida to  
17 cast the state's vote for President and Vice President of the  
18 United States of America on December 18, 2000, and

19 WHEREAS, on November 7, 2000, over 6 million Floridians  
20 went to the polls to vote for President and Vice President,  
21 and

22 WHEREAS, on November 8, 2000, George W. Bush was  
23 leading in Florida's popular vote according to initial returns  
24 reported by Florida's 67 counties, and

25 WHEREAS, Florida law provides that any candidate shall  
26 have the right to protest the returns as being erroneous, and  
27 further that "the county canvassing board may authorize a  
28 manual recount" pursuant to section 102.166(4)(c), Florida  
29 Statutes, and

30 WHEREAS, Al Gore filed a protest of the November 7  
31 election and requested a manual recount in certain counties

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1 where punch card ballots were used, and  
2 WHEREAS, the manual recount was not completed, and  
3 WHEREAS, on November 26, 2000, Florida certified its 25  
4 presidential electors for George W. Bush, and  
5 WHEREAS, on November 26, 2000, Governor Jeb Bush signed  
6 an ascertainment of such certification and delivered such  
7 ascertainment to the National Archives, and  
8 WHEREAS, Florida law provides that after the  
9 certification of an election, an unsuccessful candidate may  
10 contest the results of an election if there is a "receipt of a  
11 number of illegal votes or rejection of a number of legal  
12 votes sufficient to change or place in doubt the result of the  
13 election" pursuant to section 102.168(3)(c), Florida Statutes,  
14 and  
15 WHEREAS, Florida law provides that an election contest  
16 shall be resolved in a judicial forum pursuant to section  
17 102.168, Florida Statutes, and  
18 WHEREAS, Al Gore filed a complaint, Albert Gore and  
19 Joseph Lieberman vs. Katherine Harris, as Secretary, etc., et  
20 al., in the Circuit Court for Leon County contesting such  
21 certification, and  
22 WHEREAS, the Legislature has mandated that no vote  
23 shall be ignored "if there is a clear indication of the intent  
24 of the voter" on the ballot, unless it is "impossible to  
25 determine the elector's choice" as provided for in section  
26 101.5614(5)-(6), Florida Statutes, and  
27 WHEREAS, the Legislature has also provided that the  
28 focus of any manual examination of a ballot shall determine  
29 the voter's intent as provided in section 102.166(7), Florida  
30 Statutes, and  
31 WHEREAS, the Legislature has specifically authorized

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1 the circuit court judge to "fashion such orders as he or she  
2 deems necessary to ensure that each allegation in the  
3 complaint is investigated, examined, or checked, to prevent or  
4 correct any alleged wrong, and to provide any relief  
5 appropriate under such circumstances" pursuant to section  
6 102.168(8), Florida Statutes, and

7 WHEREAS, the matter of the contest of George W. Bush  
8 vs. Albert Gore now lies in the United States Supreme Court,  
9 and

10 WHEREAS, the will of the people should be paramount to  
11 the will of the Legislature, and

12 WHEREAS, thousands of our forefathers and mothers have  
13 struggled and died for universal suffrage, and

14 WHEREAS, the right to vote is the right to participate;  
15 it is also the right to speak, but more importantly the right  
16 to be heard, and

17 WHEREAS, the Legislature's appointment of electors  
18 would violate Section 1 of Title 3 of the United States Code  
19 and would set a dangerous precedent which could lead other  
20 states to follow Florida's example and disenfranchise their  
21 electorates, and

22 WHEREAS, we should respect the rule of law, NOW,  
23 THEREFORE,

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