

ANSWER KEY

BUSH V. GORE (2000)

Handout A: *Bush v. Gore* (2000) Background Essay

1. Florida
2. The Florida Secretary of State had to accept counties' election returns as late as November 26, 2000.
3. a state-wide manual recount
4. Bush argued that the varying county standards used to determine if votes would count violated the Fourteenth Amendment's guarantee of equal protection of the laws. Gore argued that there was a uniform standard for counting votes across the state, and that it would actually be more uniform than standards used on Election Day.
5. The Court halted the statewide manual recount, holding that the lack of specific, uniform standards violated the Fourteenth Amendment.

BUSH V. GORE DBQ

Document A: United States Constitution, Article II, Section 1 (1789)

1. the legislature

Document B: The Fourteenth Amendment (1868)

1. States have to apply the law in the same way for everyone.

Document C: FL Stat. Title IX ch.101.5614(5) Canvass of Returns (2000)

1. A vote can't be declared invalid if it clearly shows the intent of the voter as defined by the canvassing board.

Document D: Florida Statute Title IX, Chapter 102: 102.168(8) Contest of Election (1999)

1. order steps that they believe are needed to investigate the allegations and right the wrongs

Document E: Florida Statutes Title IX, Chapter 102: Deadline for submission of county returns to the Department of State (2000)

1. November 14.
2. The first one says missing counties' returns "shall" be ignored; the other says they "may" be ignored.
3. Because of Katherine Harris's decision to ignore late returns. Both statutes say the Secretary can ignore late returns, but they differ on whether the Secretary must ignore them.

Document F: Florida Supreme Court Decision in *Palm Beach County Canvassing Board v. Katherine Harris*, November 21, 2000

1. The Secretary of State's power to ignore late counties' returns is not absolute because voting is the most important right protected by the Florida Constitution.
2. Accept reasoned answers.
3. Accept late returns as late as November 26.

Document G: *Gore v. Harris*, Majority Opinion, Florida Supreme Court, December 8, 2000

1. The Florida Supreme Court ordered that contested ballots be examined "statewide" or, in every county.

Document H: Election Workers Check Ballots in Broward County, Florida

1. Individuals are examining ballots; more than one person is involved in scrutinizing one ballot.

ANSWER KEY

Document I: Oral Arguments (Bush), *Bush v. Gore* (2000)

1. He argues that the Florida Supreme Court changed the meanings of words, and ordered recounts that would be unequal.

Document J: Oral Arguments (Gore), *Bush v. Gore* (2000)

1. He argues that Florida does have a uniform standard, and furthermore it is the same standard used in ten or eleven other states.

Document K: *Bush v. Gore* (2000), Majority Opinion

1. The Court reasoned that using different standards of counting votes in different counties violated the Fourteenth Amendment. The process failed to treat all votes—and therefore all voters—equally under the law.
2. Federal law requires states to resolve elector controversies before December 12. The Supreme Court ruled that no constitutional recount could be completed by that date.

Document L: *Bush v. Gore* (2000), Dissenting Opinion, Justice Stevens

1. The Supreme Court should defer to State Supreme Court interpretations of state law. The decision will cause people to lose confidence in the ability of judges to be unbiased.

Document M: *Bush v. Gore* (2000), Dissenting Opinion, Justice Breyer

1. Stopping the statewide manual recount is a greater injustice than any injustice done by applying different standards. The Court overlooks the manual recount's ability to correct previous violations of equal protection.

Document N: *Stu's Views* (2002)

1. The Supreme Court Justices are just as human—and fallible—as the recount teams in Florida.

Handout D: Organizing Documents

All documents could be used to support either side except:

Support only Bush—Documents I, K

Support only Gore—Documents J, L, M, and N