

FILED
THOMAS D. HALL

NOV 16 2000

CLERK, SUPREME COURT
BY _____

IN THE SUPREME COURT OF FLORIDA

CASE NO. SC00-2347

CALVIN DAVID FOX,

Petitioner,

vs.

KATHERINE HARRIS,
Secretary of State of Florida,

Respondent.

VERIFIED EMERGENCY PETITION TO DISQUALIFY and
COMPLAINT OF UNETHICAL CONDUCT;
PETITION TO DECLARE FLORIDA ELECTION UNCONSTITUTIONAL

COMES NOW, your Petitioner/Complainant, CALVIN DAVID FOX and submits this Emergency Petition to Disqualify and Complaint of Unethical Conduct and Complaint to Declare Florida Election Unconstitutional and as grounds therefore shows:

1.) That your Petitioner, CALVIN DAVID FOX, is a registered voter in Dania Beach, Broward County, Florida and is not registered as either a Democrat or Republican.

2.) That your Petitioner submitted his lawful ballot to the Respondent by and through the Broward Elections Office for President of the United States on November 7, 2000 and otherwise has standing to maintain this action.

3.) The Respondent, KATHERINE HARRIS, is the Secretary of State of Florida and is otherwise sui juris.

4.) That in Florida the preliminary results of the November 7, 2000 election for President of the United States between George W. Bush and Albert Gore reflect that the difference between Gore and Bush is less than three hundred (300) votes out

of a total of more than six million (6,000,000) votes cast.

5.) That this Court has jurisdiction of this matter by virtue of the jurisdiction conferred in Harris v. Judges, Fla. S.Ct. Case SC-0022345; under this Court's all writs power and otherwise under Florida law.

6.) That this is a matter of the highest importance to Florida and the United States of America.

I.

7.) That the Respondent has filed her petition in Harris v. Judges of the Eleventh; Fifteenth and Seventeenth Circuits of Florida, Fla. Sup.Ct. Case No. SC-002345, seeking among other matters to block the lawful election process in Dade, Broward, Palm Beach and Volusia Counties, which are in the process of manually examining ballots submitted in those counties for errors by the machines, used to receive ballots and to record the votes upon said ballots.

8.) That the Respondent by her Petition in Harris v. Judges, supra, has otherwise sought to obstruct the lawful entry and report of ballots in Florida for President of the United States deriving from the November 7, 2000 election, by among other things, imposing deadline(s) for election officials in Broward, Dade, Palm Beach and Volusia counties to explain in writing why they should be able to examine ballots.

9.) That the Respondent seeks to disenfranchise the undersigned and others similarly situated to void the effect of the legitimate ballot, which he and others cast on November 7, 2000 in

Broward, Dade, Palm Beach and Volusia Counties, which were unlawfully, defectively and erroneously tallied by the Respondent and her offices.

10.) That on November 15, 2000 NBC News reported a.) that the Respondent and her family donated \$35,000 to the campaign of George W. Bush for President of the United States; b.) that the Respondent will be considered for appointment in the administration of George W. Bush if he is elected President of the United States; and c.) that the Respondent worked at the side of George W. Bush in a highly visible capacity in the New Hampshire election campaign of George W. Bush.

11.) That each of the foregoing circumstances constitute an appearance and/or actual a conflict of interest, which disqualify the Respondent from the competent and lawful exercise of her official duty within the meaning and intent of the substantive law. See, e.g., McKenzie v. Superkids, 565 So.2d 1332 (Fla. 1990)(effect of receipt of campaign contributions).

12.) That this Court should enter its writ, order or direction that Katherine Harris be disqualified from further participation in the election process in the present circumstance, nunc pro tunc to November 7, 2000.

II.

13.) That in Palm Beach, County, Florida and other counties similarly situated, the media has reported at least 19,000 votes submitted were discarded by the elections machine, because

of a false and misleading ballot, which failed to conform to the Florida Statute standard for presentation of the ballot to voters.

14.) That the November 7, 2000 ballot in some counties in Florida did not comply with Florida law.

15.) That the November 7, 2000 ballot was unlawfully and falsely counted by the Respondent's election machines in Broward County Florida and other counties.

16.) That the election process conducted by the Respondent and her offices was unlawful in that ballots lawfully submitted were not lawfully counted and she has now blocked the consideration of ballots lawfully submitted and subject to manual review.

17.) That each of the foregoing and other irregularities in the present circumstance constitute a clear, reckless, material and unconstitutional defect in the election process in Florida.

18.) That the right of the Petitioner and others similarly situated to have his vote received and given its lawful effect in Florida is perhaps the greatest right and fundamental to the process of democracy in the Florida and Federal constitutions.

WHEREFORE, upon the foregoing and such other terms as this Court deems just, the Petitioner, CALVIN DAVID FOX, prays that this Court will enter its order, judgment and/or writ disqualifying Katherine Harris from further participation in the present dispute between George W. Bush and Albert Gore and that this Court will void the November 7, 2000 election and order a new election

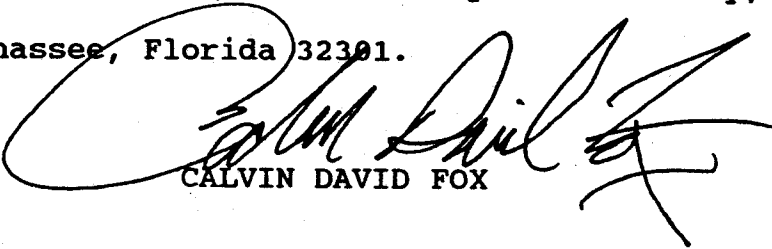
statewide in Florida forthwith.



CALVIN DAVID FOX
Post Office Box 5286
Fort Lauderdale, Florida 33310
(305) 839-5035

CERTIFICATE OF SERVICE

I HEREBY CERTIFY, that a true and correct copy of the foregoing was caused to be served by on November 15, 2000 by Express Mail upon Katherine Harris, Secretary of State, The Capitol, Tallahassee, Florida 32399; Robert Butterworth, Attorney General of Florida, The Capitol, Tallahassee, Florida 32399; Albert Gore, c/o Florida DEMOCRATIC Party, P.O. Box 1758, Tallahassee, Florida 32302; and George W. Bush, c/o Florida Republican Party, 420 East Jefferson, Tallahassee, Florida 32301.


CALVIN DAVID FOX

STATE OF FLORIDA :

COUNTY OF BROWARD:

CAME AND APPEARED, before the undersigned authority, CALVIN DAVID FOX, who identifying himself with Florida Driver's license no. F200-104-47-177, and who first being sworn deposes and says that the foregoing is true and correct to the best of his information and belief.

SWORN AND SUBSCRIBED TO, on this 15th day of November,, 2000 at Dania Beach, Broward County, Florida.

NOTARY PUBLIC
State of Florida
My Commission Expires: 10/4/2003

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