

Bush v. gore brief essay example

[Law](#), [Criminal Justice](#)



\n[[toc title="Table of Contents"](#)]\n

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1. [Parties](#) \n \t
2. [Facts](#) \n \t
3. [Issues](#) \n \t
4. [Holding](#) \n \t
5. [Supreme Court's Rationale](#) \n \t
6. [Dissent](#) \n \t
7. [References](#) \n

\n[/toc]\n \n

The Bush v. Gore case commenced following the November 2000 elections where George W. Bush was declared the winner. Gore sought for a physical recount of votes in various Florida counties: Nassau, Miami-Dade, and Palm Beach counties. He requested the recount in a trial court in Florida, the Leon County Circuit trial court, relying upon one of its statutes that provided for contesting the election's outcome. The statute allowed candidates to challenge election results if there were receipts of illegal votes, or rejection cases of legal votes that were significant to change the outcome of an election, or to put it in doubt (Dionne & Kristol, 2001).

The Leon County Circuit Court in the State of Florida held that Gore did not provide a reasonable chance that the election would turn out differently based on a ballot recount. Gore appealed this decision to the First District Court of Appeal, which forwarded the issue to the Florida Supreme Court. The Supreme Court of Florida reversed the trial court's ruling and noted that the standard used by the court to suggest that Gore did not provide a

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reasonable chance that the outcome would turn out different, was wrong (Hasen, 2003). The Supreme Court of Florida stated that the statute only necessitated a candidate to provide evidence of the reception of illegal votes or a rejection of legal votes. It held that Gore met this requirement, thus, ordered a recount of the votes.

Shortly after the recount process commenced, Bush requested the Supreme Court of the United States of America to grant a stay to the process of the recount and award certiorari to put the case into consideration. The United States of America Supreme Court granted his request and overruled the decision made by the State of Florida Supreme Court (Hasen, 2003).

Parties

George W. Bush is the plaintiff and Albert Gore Jr. the defendant.

Facts

The November 7th, 2000 presidential elections in the United States of America were a close contest between George W. Bush, the plaintiff, and Albert Gore, the defendant (Sergis, 2003). Gore secured the popular vote with an exception of the election results from the State of Florida. The outcome of the results, thus, depended on the State of Florida and its 25 electoral votes. The national deadline for vote counting elapsed, and the winner of the Florida vote had not been announced yet. The Florida State results showed that Bush was the winner of the election giving Gore a vote margin of 1784 (Sergis, 2003). The Governor's victory was, however, less than half of the total votes cast. A recount was done with the aid of an automated machine that presented Governor Bush as the winner, although

with a decreased margin.

Gore wanted a manual recount of some counties in the State of Florida. He requested the recount from the Leon County Circuit trial court in Florida. The trial court refused him the request; Gore appealed and the Florida Supreme Court granted a hand recount of votes in some Florida counties. The Supreme Court of Florida ordered the Leon Circuit County Court to tabulate the 9000 doubtful ballots from Miami-Dade County (Sergis, 2003). The court also gave an order to all Florida counties to begin a manual recount of under-votes. An under-vote is a ballot, which has no indication of a vote for the president.

George W. Bush alongside Richard Cheney, his running mate, filed a request with the United States Supreme Court, to review the recount process, and sought a petition to rescind the decision for a vote recount made by the Florida Supreme Court. The Supreme Court of the United States granted Bush his request on December 9, 2000. The court then held an oral argument on December 11, 2000 (Hasen, 2003).

Issues

Did the Supreme Court of Florida violate Article II, Section 1 stated in the Constitution of the United States, by establishing new standards for the resolution of presidential election disputes? Did this court's use of un-standardized manual recount processes defy the clauses on Equal Protection and Due Process of the Constitution?

Holding

The plaintiff's representatives argued that the Florida Supreme Court wrongfully interpreted the Florida law since their ruling led to the creation of a new law; thus violating Article II of the U. S. Constitution. They further stated that the recounts ordered by the Supreme Court in Florida disregarded the Equal Protection Clause of the Constitution. This is because the vote recounting process did not follow any standard to determine the legality of a vote (Dionne & Kristol, 2001).

The lawyers representing the plaintiff argued that the Supreme Court in Florida exercised the codes of statutory construction to make a decision. They stated that each recounting method produced a distinct error and that the process treated voters differently.

The Supreme Court of the United States held that the State of Florida's Supreme Court defied the constitution when it instructed a vote recount in a few counties. The Supreme Court ruled that the recount process became tainted, once the vote-counting techniques were shifted. The court's decision was that the Florida State Supreme Court infringed the Equal Protection Clause of the constitution. The Supreme Court further stated that it was impossible to hold a satisfactory recount by the time the deadline for elections elapsed; hence, it instructed all electoral colleges to boycott the recount process, and effectively declared George W. Bush the victor of the 2000 national election (Sergis, 2003). The Supreme Court ruling ended conjectures on who would emerge as president.

Supreme Court's Rationale

The Supreme Court's decision was based on the definition of clauses and articles as stated in the Constitution of the United States of America. The Equal Protection Clause guarantees the citizens of the United States, that their ballots cannot be undervalued by disparate or arbitrary treatment. The Clause holds that as far as a citizen's right to vote is concerned, no state has the obligation to use discretionary standards to influence the outcome of election results (Hasen, 2003). The United States Supreme Court thus found the Supreme Court in Florida guilty of defying the law as provided in the Equal Protection Clause.

Article II, Section 1 of the Constitution provides the method in which electors in various states are chosen, in the manner, which the relevant legislature directs. Three Justices, among them the then Chief Justice Rehnquist, emphasized that the Bush v. Gore case was unusual because the Constitution required national courts to establish whether the Supreme Court interpreted the legislature in a proper manner (Sergis, 2003). The court settled that the Florida State Supreme Court violated this Article of the Constitution, by failing to provide standards that the vote recount process would follow.

Dissent

The Supreme Court's decision was not unanimous. Bush garnered five votes in his favor while four votes were cast against him.

References

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