

COUNTING THE VOTE: THE OVERVIEW

# COUNTING THE VOTE: THE OVERVIEW; BUSH IS DECLARED WINNER IN FLORIDA, BUT GORE VOWS TO CONTEST RESULTS

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**TALLAHASSEE, Fla., Nov. 26**— The State of Florida tonight declared Gov. George W. Bush of Texas the winner of its presidential election by 537 votes out of nearly 6 million cast. He promptly declared that meant he had won the White House and vowed to "undertake the responsibility of preparing to serve as America's next president."

But Vice President Al Gore did not concede, and his campaign vowed to contest the election in state court in extraordinary legal proceedings not seen by any American now living.

Moments before 7:30 p.m., Florida's secretary of state, Katherine Harris, appeared in the Capitol here with the two other members of the state's elections canvassing commission to certify the official returns.

"I hereby declare Gov. George W. Bush the winner of Florida's 25 electoral votes," she said as cheers went up from Bush supporters gathered outside. The 25 votes would give Mr. Bush the presidency.

Moments after Ms. Harris's announcement, Mr. Gore's vice-presidential running mate, Senator Joseph I. Lieberman, appeared on television from Washington to denounce "what by any reasonable standard is an incomplete and inaccurate count." He said Florida officials had left the Gore campaign "no choice but to contest their actions," and Mr. Gore asked for television time from the networks to address the nation at noon on Monday.

Two hours after the vote certification here, Mr. Bush stepped in front of a bouquet of yellow roses at the Texas Capitol in Austin to claim victory for himself and his Republican running mate, former Secretary of Defense Dick Cheney, and to urge Mr. Gore to reconsider his planned court challenge, saying it was "not the best route for America."

"We cannot change yesterday, but we share a responsibility for tomorrow," Mr. Bush said. "Time runs short and we have a lot of work to do."

But nearly three weeks after Election Day, tonight's developments brought formality without real finality to a race that in statistical terms ended in a tie and has become the most embattled presidential contest in at least 124 years.

The White House said tonight that it was not willing to open government offices to Mr. Bush to begin a presidential transition until legal challenges were resolved.

The statement, by President Clinton's press secretary and other officials, came less than two hours after Mr. Bush asked Mr. Cheney, to work with the Clinton administration to open a transition office in Washington.

Beth Newburger, a spokeswoman for the General Services Administration, an agency with \$5.3 billion in its budget to assist the next president prepare for office, said, "As long as both sides are still going to court, and both sides say they are, we believe that the outcome

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remains unclear."

Still, tonight's announcement in Florida was a powerful turning point for both candidates, one that Mr. Gore had desperately sought to avoid. In all the counts and recounts in Florida since Nov. 7, there was never a moment when Mr. Gore held a statewide lead.

A frantic round of manual ballot recounts ordered by the Florida Supreme Court last week, and due this evening, nearly halved Mr. Bush's previous official, uncertified lead of 930 votes. But in a move that drew a sharp challenge from the Gore campaign, Ms. Harris refused to include the results of a nearly complete recount of votes in Palm Beach County that would have given Mr. Gore a net gain of an additional 192 votes.

Ms. Harris cited a provision of state election law that could be read as requiring that counties "manually recount all ballots," in case of dispute. But lawyers for Mr. Gore dismissed that notion and noted that the returns already on file included the results of sample manual recounts in at least three South Florida counties, conducted earlier in an effort to determine whether full hand counts were justified.

Lawyers prepared for what will be at least another week of legal wrangling, and probably more than that, before the ultimate winner of Florida's 25 electoral votes, and thus the White House, is chosen.

In overlapping legal battles that seemed to grow more embittered by the hour, Gore lawyers are headed to state court here on Monday to contest the results in at least three counties, and Republicans held out the prospect of countercontests.

They continued to press complaints about unjustified rejections of overseas absentee ballots that favored Mr. Bush. At the same time, Mr. Bush's lawyers are awaiting a hearing in the United States Supreme Court on Friday on their appeal of the Florida Supreme Court ruling that they say improperly extended the legal deadline for the hand recounts.

The Republican-controlled Florida Legislature has said it will seek to join Mr. Bush's case before the Supreme Court. Today, its leaders said they were still considering calling a special session to deal with the postelection dispute, and they have not ruled out acting on their own to seat Florida's delegation to the Electoral College if the election is not resolved by the middle of next month.

It was a day of uncertainty, its climax carried live on all the national television networks except NBC, which declined to interrupt the broadcast television premiere of another epic, "Titanic."

Throughout the day, protesters gathered at the Capitol here, chanting and waving placards with slogans like "Gore Invented Internet -- Fla. Court Invented Election Law" and "Stop the Republican Coup."

About four and a half hours before the 5 p.m. deadline set by the State Supreme Court last week for finishing the recounts, election officials in Palm Beach County appealed to the secretary of state for more time, until 9 a.m. on Monday.

Ms. Harris rejected the request, and at about 4:30 this afternoon, with 584 of 637 precincts counted in Palm Beach County, county officials stopped counting with about 1,000 votes to go, and they prepared to submit the results on hand. They faxed their tallies to Ms. Harris at 4:54 p.m., according to a stamp on the papers, then resumed counting in hopes that a final, amended count might somehow be accepted.

"We're going to do the best we can," said Judge Charles E. Burton, chairman of the county canvassing board. The board finished its count shortly before 7 p.m.

In Broward County, the manual recount ended just minutes before midnight on Saturday, producing a net gain of 567 votes for Mr. Gore, cutting Mr. Bush's previous lead in half and bringing the vice president within striking distance of overtaking him, depending on the Palm Beach count. A partial recount in Miami-Dade County last week had produced

an additional 157 votes for Mr. Gore. But officials there abruptly stopped their recount last week, saying they could not finish a full recount by today's deadline, and those votes were not included in the new totals issued tonight.

But they will be at the center of the Gore campaign's legal challenges under Florida law, which allows a loser to file a formal contest of election results once they are certified.

Tonight, a senior lawyer for Mr. Bush said he could not cite a specific statute requiring that manual recounts include all of a county's votes, but that partial hand counts were wrong in principle because they did not weigh everyone's vote the same.

Mr. Bush's chief representative here, former Secretary of State James A. Baker III, held a news conference tonight to declare: "At some point -- at some point -- there must be closure. At some point, the law must prevail and the lawyers must go home. We have reached that point."

Mr. Gore's lead lawyer, David Boies, said this afternoon that his campaign would file contests at least in Miami-Dade, Palm Beach and Nassau Counties. In Nassau, officials decided last week to use the original Nov. 7 vote tally instead of the results of a mandatory machine recount that apparently missed some 200 presidential ballots. That switch in policy produced a net gain of 51 votes for Mr. Bush.

Mr. Boies denounced what he called Nassau County's "inexplicable actions." At a minimum, he suggested, the Gore campaign would seek to have the 157 votes from the partially completed recount in Miami-Dade included in the final tally, and to have some 10,000 ballots in that county that never registered any choice for president when counted by machine examined to see if voters' intent could be determined.

Mr. Boies also said the campaign believed all the recounts that Palm Beach was able to complete before today's deadline should have been included in the tally, noting that the tallies on file already included the results of sample recounts conducted in Broward, Palm Beach and Miami-Dade Counties to determine if a full manual recount was warranted.

"Nobody's ever disputed partial recounts as uncountable," Mr. Boies said.

But Robert Crawford, the state agriculture commissioner, named to the canvassing commission after Gov. Jeb Bush, the candidate's brother, recused himself, said tonight that his lawyers, and those advising the other two members, had independently concluded that the partial recounts should not be certified.

At the same time, recounts today of overseas absentee ballots in a half-dozen Florida counties where such ballots were rejected 10 days ago because of various technical flaws appeared to produce a net gain of 68 votes for Mr. Bush, bringing to more than 100 the number of votes he has picked up in such recounts in recent days. Counties have been reporting such amended returns to the state, and they were presumably included in the tallies announced tonight. Republicans had accused the Democrats of seeking to knock out such ballots because they lacked postmarks or other requirements.

On Saturday, the Republicans dropped an omnibus lawsuit against 14 counties urging that they recount disputed overseas absentee ballots, contending that the counties were already moving to do so. But Saturday night and today, they filed a total of five suits in state court against individual counties, and one in federal court in Pensacola naming seven counties, to keep up the pressure on the counties and preserve the Bush campaign's legal options.

The Republicans declined to specify just what legal steps they might take to combat Mr. Gore's planned contests of the results.

Democratic Congressional leaders said today that both sides should pause while the legal contests moved forward, while Republicans said it was only a matter of time until Mr. Gore would have to concede.

"We're now in a two-week-or-so period in which you have a contest on both sides about this election," Representative Richard A. Gephardt of Missouri, the House Democratic leader, said on the CBS News program "Face the Nation."

But Gov. George E. Pataki of New York, a Republican, appearing on the same program, said, "Governor Bush has won Florida and if that is certified I would hope that would be the end of it and Vice President Gore would do the right thing."

And some senior Democrats also suggested that the clock was ticking for a resolution. Leon E. Panetta, the former White House chief of staff, said both candidates must avoid "a scorched-earth litigation process that takes us ultimately to the House and to the Congress and ultimately prolongs this whole issue and makes it very divisive for the country."

Tonight, Mr. Lieberman cast the dispute in stark moral terms.

"What is at issue here is nothing less than every American's simple, sacred right to vote," Mr. Lieberman said. "How can we teach our children that every vote counts if we are not willing to make a good-faith effort to count every vote?"

Mr. Baker was equally blunt.

"The Florida State Elections Commission has certified Governor Bush as the winner of the presidential election here in Florida," Mr. Baker said. "Governor Bush and Secretary Cheney have won this election under rules established by both Florida statutes and Florida's judiciary, including both procedures in place before the election and different ones in place after the election."

Photos: KATHERINE HARRIS, Florida's secretary of state -- "I hereby declare Gov. George W. Bush the winner of Florida's 25 electoral votes." (Chang W. Lee/The New York Times); GOV. GEORGE W. BUSH -- "We will therefore undertake the responsibility of preparing to serve as America's next president and vice president." (Associated Press)(pg. A1) Chart: "Reaching a Deadline, Gathering New Numbers" Results of yesterday's vote certification. Data are unofficial results as reported by The Associated Press. Counties with a net gain for Bush Map# County Bush Gore (+)(-)[Bush] (+)(-)[Gore] Net 1 Seminole 75,790(55%) 59,227(43%) +497 +339 +158 2 Clay 41,903(73%) 14,668(25%) +158 +38 +120 3 Escambia 73,171(63%) 40,990(35%) +142 +32 +110 4 Martin 33,972(55%) 26,621(43%) +108 +2 +106 5 Okaloosa 52,186(74%) 16,989(24%) +143 +65 +78 6 Santa Rosa 36,339(72%) 12,818(25%) +91 +23 +68 7 Brevard 115,253(53%) 97,341(45%) +68 +23 +45 8 St. Johns 39,564(65%) 19,509(32%) +67 +27 +40 9 Hillsborough 180,794(50%) 169,576(47%) +81 +47 +34 10 Lake 50,010(56%) 36,571(41%) +47 +16 +31 11 Citrus 29,801(52%) 25,531(45%) +57 +30 +27 12 Bay 38,682(66%) 18,873(32%) +45 +23 +22 13 Duval 152,460(57%) 108,039(41%) +378 +359 +19 14 Manatee 58,023(53%) 49,226(45%) +75 +57 +18 15 Indian River 28,639(58%) 19,769(40%) +12 0 +12 16 Osceola 26,237(47%) 28,187(51%) +21 +10 +11 17 Washington 4,995(62%) 2,798(35%) +12 +2 +10 18 Hernando 30,658(47%) 32,648(50%) +12 +4 +8 19 Levy 6,863(54%) 5,398(42%) +3 -5 +8 20 Collier 60,467(66%) 29,939(32%) +41 +34 +7 21 Taylor 4,058(60%) 2,649(39%) +8 +2 +6 22 Holmes 5,012(68%) 2,177(29%) +27 +23 +4 23 Flagler 12,618(47%) 13,897(51%) +10 +6 +4 24 Walton 12,186(67%) 5,643(31%) +10 +6 +4 25 Charlotte 35,428(53%) 29,646(44%) +9 +5 +4 26 Hendry 4,747(58%) 3,240(40%) +4 +1 +3 27 Suwannee 8,009(64%) 4,076(33%) -5 -8 +3 28 Putnam 13,457(51%) 12,107(46%) +18 +16 +2 29 Sarasota 83,117(52%) 72,869(45%) +17 +15 +2 30 Columbia 10,968(59%) 7,049(38%) +4 +2 +2 31 Leon 39,073(38%) 61,444(60%) +20 +19 +1 32 Franklin 2,454(53%) 2,047(44%) +6 +5 +1 33 Nassau 16,408(69%) 6,955(29%) +4 +3 +1 34 Baker 5,611(69%) 2,392(29%) +1 0 +1 35 DeSoto 4,256(54%) 3,321(43%) 0 -1 +1 Counties with a net gain for Gore Map# County Bush Gore (+)(-)[Bush] (+)(-)[Gore] Net 36 Palm Beach 152,964(35%) 269,754(62%) +118 +809 +691 37 Broward 177,939(31%) 387,760(67%) +660 +1,242 +582 38 Pinellas 184,849(46%) 200,657(50%) -35 +445 +480 39 Gadsden 4,770(32%) 9,736(66%) +20 +171 +151 40 Volusia 82,368(45%) 97,313(53%) +154 +250 +96 41 Orange 134,531(48%) 140,236(50%) +55 +121 +66 42 Miami-Dade 289,574(46%) 328,867(53%) +118 +165 +47 43 Polk 90,310(54%) 75,207(45%) +209 +230 +21 44 Marion 55,146(54%) 44,674(43%)

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 64 Bradford 5,416(62%) 3,075(35%) +3 +3 0 65 Hardee 3,765(60%) 2,342(38%) +1 +1 0  
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