The Florida Disaster:

Why So Much Went Wrong for Al Gore in the United States Presidential Election of 2000

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The election season in the United States of America is one of the longest on Earth. Many nations have laws in place to restrict the length of their federal elections. Mexican law, restricts the nation’s general election campaigns are restricted to begin only 90 days prior to the election, with all campaigning to stop three days before Mexican Election Day.[[1]](#footnote-1) In France, presidential elections are limited to two weeks,[[2]](#footnote-2) and in Japan, a mere twelve days.[[3]](#footnote-3) In contrast with these nations, the United States has no federal law restricting the time a candidate may begin to campaign for any federal office, including that of the President of the United States.[[4]](#footnote-4) This makes the United States’ presidential election season a very long and grueling one for the American voter, as campaign and election information dominates news network’s airwaves and political advertisements dominate every channel’s advertisement space. Yard signs and billboards endorsing or attacking candidates become commonplace,[[5]](#footnote-5) and politics, already a divisive and uncomfortable topic for many, become more and more discussed in homes, schools, and workplaces across the country. Election season in the United States of America is simply unavoidable. No pundit could predict how long it would take to determine a winner to the 2000 United States presidential election. A heated legal battle, both campaigns fought over the battleground state of Florida, where final margin of victory was incredibly slim, in favor of Texas Governor George W. Bush. The will of the Florida voter was not the reason why George W. Bush became the 43rd President of the United States of America, rather it was a combination of partisan domination, a poorly designed butterfly ballot in Palm Beach County, and felon disenfranchisement that cleared Bush’s path to the presidency.

On June 12th, 1999, then Governor of Texas George Walker Bush announced his candidacy for President of the United States, 514 days before the election would take place on November 7th, 2000.[[6]](#footnote-6) The son of the 41st President of the United States, George Herbert Walker Bush, Bush Jr. was part of an American political dynasty, and would eventually become the 43rd President of the United States of America. In 1998, as Bush Jr. was campaigning to be reelected the governor of Texas, his brother, Florida Secretary of Commerce John “Jeb” Bush, ran his own campaign for governor of Florida.[[7]](#footnote-7) Both candidates would end up winning their elections, cementing the Bush family as a very successful and powerful player in the Republican Party and American politics.

However the Bush family had not been a stranger to political failure. President Bush Sr. had lost his reelection bid in 1992 to the Governor of Arkansas Bill Clinton[[8]](#footnote-8), and Bush Jr. had lost a campaign for Texas’s 19th congressional district to Democrat Kent Hance in 1978.[[9]](#footnote-9)

Bush Jr. wrote in his memoir, *Decision Points*, about his struggle in the 1978 election,

I hated losing, but I was glad I’d run. I enjoyed the hard work of politics, meeting people and making your case. I learned that allowing your opponent to define you is one of the biggest mistakes you can make in a campaign. And I discovered that I would accept defeat and move on.[[10]](#footnote-10)

President Bill Clinton’s running mate in the 1992 election was Tennessee Senator Albert Gore Jr., and together they had defeated Bush Jr.’s father’s reelection bid. After almost eight years of serving as Vice President of the United States, on June 16th, 1999, Al Gore announced his campaign for President of the United States, 510 days before Election Day. Also a son of a politician, Albert Gore Sr., Gore Jr. would go on to become an acclaimed environmentalist and film maker, winning the Nobel Peace Prize in 2007,[[11]](#footnote-11) a Grammy Award for Best Spoken Word Album in 2009,[[12]](#footnote-12) and wrote the documentary *An Inconvenient Truth* that won two Academy Awards in 2007, Best Documentary Feature and Best Original Song.[[13]](#footnote-13) Despite his long list of political and post-political achievements, Al Gore is largely defined by his loss to Bush in the 2000 presidential election.

The 2000 American Presidential Election is regarded as one of the most controversial in modern political history.[[14]](#footnote-14) Governor Bush and his running mate, Richard “Dick” Cheney, who had most recently served as the Secretary of Defense under Bush Sr., and Vice President Gore and his running mate, Connecticut Senator Joseph Lieberman, won the Republican and Democratic primaries respectively with very little competition. While Bush and Gore’s primary victories had come easy, a victory in the general election would not come as such. Each candidate’s campaign took to win swing states, states which either candidate had a shot at winning. These included states such as New Hampshire, Tennessee, Florida, and New Mexico. Each campaign also needed to ignite enough of their party’s base to pick up states where they were each heavily favored. On Election Day, November 7th, 2000, election coverage began on all of the major news networks. As many Americans still waited in line to cast their ballot, results were coming in from states that close their polls earlier in the evening. At 6:00 PM, the states of Indiana and Kentucky closed their polls, and both states were subsequently called for Bush by various news stations.[[15]](#footnote-15) Indiana had been a Republican stronghold since voting for Richard Nixon in 1968,[[16]](#footnote-16) however Kentucky had gone to President Clinton by just over a point in the 1996 election,[[17]](#footnote-17) which was an early sign that President Clinton’s sex scandal with White House intern Monica Lewinsky would negatively affect Vice President Gore’s chances on winning the heavily religious voting bloc of the country’s southern states. Due to the Clinton-Lewinsky scandal, including the President’s impeachment, political pundits and polling data expected a very close result nationwide with an increase in Republican support, with the final poll conducted by Gallup on November 6th reflecting this, showing a 48% support for Bush and 46% support for Gore.[[18]](#footnote-18) Kentucky would end up going to Bush by over 15%,[[19]](#footnote-19) and Bush would also come out on top in the southern states of Louisiana, Arkansas, Missouri, Tennessee, and West Virginia.[[20]](#footnote-20)

These states had all voted for President Clinton just a mere four years prior, as did the state of Florida. Around 7:50 PM, Florida was called for the Gore campaign by CBS, CNN, Fox News, and other major news channels that people around the world were tuning into by the millions.[[21]](#footnote-21) Florida was a very important hold for Gore and the Democrats, as the Reform Party candidate Henry Ross Perot had received 9.12% in 1996, enough of a margin that would have swung the state in favor of the 1996 Republican Presidential nominee, Senator Bob Dole,[[22]](#footnote-22) if Perot’s voters had voted for Dole rather than Perot.[[23]](#footnote-23) Perot attracted a more conservative base of voters, and with Perot not running in 2000, more of his voters were likely to be attracted to Bush and the Republican Party, as they were more ideologically similar to the Reform Party than Gore and the Democrats. With Florida called for Gore so early into the evening, it was seen at the time as an early sign that the Bush campaign was not attracting as many Perot voters as expected, and another indicator of very close election.

However, at 9:54 PM, CBS announced that they were retracting their projection that Vice President Gore would win Florida,[[24]](#footnote-24) and at 9:55 PM, CNN did the same.[[25]](#footnote-25) Soon every network had retracted their projections for Florida, citing that while early results and exit polling showed Gore ahead by a substantial margin, the votes for Bush that had slowly been accumulating since the initial projections had been too great to ignore. Florida has historically been incredibly important in predicting presidential election winners, and has only been wrong twice since 1964,[[26]](#footnote-26) with President George H. W. Bush and President Donald Trump winning the state in their respective failed reelection bids.[[27]](#footnote-27)

In the early morning of the next day, the race was still too close to call. By 2:04 AM Wisconsin, Oregon, Maine’s second congressional district, and Florida were the only states uncalled, with the later holding enough electoral votes to push both candidates over the 270 electoral vote threshold to be projected the winner of the 2000 election.[[28]](#footnote-28) Around 2:17 AM, Fox News projected that Bush will carry Florida, putting him at 271 projected electoral votes, securing him the presidency.[[29]](#footnote-29)

Al Gore and a group of his closest advisors including Michael Feldman, the Gore campaign chief of staff, and Bill Daley, Gore’s campaign chairman, had been given a prior notice from staff on the ground in Florida that the incoming results in the state were likely going to clench victory for Bush.[[30]](#footnote-30) Gore would then make his first of two phone calls to Bush that morning, during the first of which he congratulated Bush and conceded the race. The second phone call came hours later, when Gore and his staff were traveling by motorcade to the location where Gore would give his concession speech to his supporters in Nashville, Tennessee. Feldman’s White House pager went off with a message from Michael Whouley, Gore’s national field director, asking where Gore and his staff were. When Feldman answered that they were on route for Gore to give his concession speech, Whouley stated in an interview with Gloria Borger for the CNN Special Report *Bush v. Gore: The Endless Election* that he replied “for what? We haven’t lost.”[[31]](#footnote-31) CNN is often noted for having a liberal bias in their reporting,[[32]](#footnote-32) however, *Bush v. Gore: The Endless Election* painted both the Democratic and Republican Parties as having acted for the sole benefit of their party, with little regard for the damage that their actions would have on the nation. Borger interviewed top Bush and Gore campaign and legal team members who presented a timeline of events that occurred during the months of uncertainty after the 2000

election.

After meeting with the remainder of his staff, Al Gore learned from Whouley that the margin in Florida would be small enough to where Gore likely could have a chance at winning the state, and the presidency, if they challenged a few key counties. Gore then made his second phone call to George Bush revoking his concession.[[33]](#footnote-33) Shortly after, at 3:58 AM, the networks revoked their projection that Bush would win Florida, as the preliminary results ended with Bush maintaining a shrinking lead that would eventually end at 1,784 votes.[[34]](#footnote-34) Time has shown that Whouley was correct. More Floridians intended to vote for Gore than Bush.[[35]](#footnote-35)

Jeb Bush had been the governor of Florida since being inaugurated in 1999, and was reportedly surprised after his older brother received Gore’s first phone call conceding the race, as Jeb Bush had received word from his staff in the Florida capitol that the end result was going to be exceptionally close, to the point where the state’s mandatory recount may actually erase Bush Jr.’s narrow lead.[[36]](#footnote-36) Jeb Bush was not George W. Bush’s only ally in Florida. Florida Secretary of State Katherine Harris, a Republican, also served as co-chair of Bush’s Florida campaign.[[37]](#footnote-37) As the Secretary of State, Harris held the role of Florida’s Chief of Elections,[[38]](#footnote-38) granting her the power to certify the state’s final vote total one week after the election, per Florida law.[[39]](#footnote-39) Florida state law also required that if counties found errors in vote tabulation that could affect the outcome of the election, counties were to administer mandatory manual recounts of the ballots.[[40]](#footnote-40) On November 10th, the machine recount finished and Bush’s lead shrunk to a very narrow 327 votes.[[41]](#footnote-41)

Both campaigns continued to fight, as the Gore campaign requested manual recounts in Broward, Miami-Dade, Palm Beach, and Volusia Counties, and while these requests were granted, the Bush campaign fought to halt them.[[42]](#footnote-42) A lawsuit against Harris from the Gore campaign seeking to extend the November 14th deadline made it to the Florida Supreme Court, where it ruled to extend the deadline to November 26th.[[43]](#footnote-43) When November 26th arrived, Harris certified Florida’s election results, which reported Bush ahead by 537 votes.[[44]](#footnote-44) Miami-Dade and Palm Beach County’s recounts had not yet completed. While Palm Beach County had not had enough time, Miami-Dade County halted their recount due to a riot later known as the Brooks Brothers Riot. This riot was later found to consist of paid Republican operatives protesting the recount.[[45]](#footnote-45) The Gore campaign then filed another lawsuit, traveling up the Florida court system until reaching the Florida Supreme Court, where liberal Justices held a majority.[[46]](#footnote-46) On December 8th, the Florida Supreme Court ruled 4–3[[47]](#footnote-47) that every county in the state must manually recount all undervotes in the presidential election, ballots where the machine recount determined that the voter did not vote for president.[[48]](#footnote-48)

Former Republican Secretary of State James Baker was hired by the Bush campaign as a chief strategist for the recount shortly after Election Day.[[49]](#footnote-49) Baker stated in an interview for *Bush v. Gore: The Endless Election* that he knew he needed to move the legal proceedings to the Florida Supreme Court, as he knew that it was “dominated by Democrats,” but it would allow his team to move proceedings to the United States Supreme Court, where the conservative majority would likely rule in Bush’s favor.[[50]](#footnote-50)

One December 9th, the United States Supreme Court issued a stay, per request of Bush’s campaign, on the recount ordered by the Florida Supreme Court.[[51]](#footnote-51) After hearing the case, on December 12th, Chief Justice Rehnquist, Justice O’Connor, Justice Scalia, Justice Kennedy, and Justice Thomas ruled in favor of Bush, while Justice Beyer, Justice Ginsberg, Justice Souter, and Justice Stevens dissented.[[52]](#footnote-52) The Court ruled that the vote total certified on November 26th by Kathrine Harris would be upheld, for the Court concluded that the undervote recount violated the 14th Amendment to the United States Constitution.

There is no doubt that the Court’s 5–4 ruling was motivated by partisanship.[[53]](#footnote-53) University of Yale Law Professor Jack Balkin suggested in his piece for *The Yale Law Journal*, “*Bush v. Gore*, and the Boundary between Law and Politics,” that the decision of the five conservative Supreme Court Justices “appeared to use the power of judicial review to secure the control of another branch of government.”[[54]](#footnote-54) Balkin’s works have repeatedly held liberal views,[[55]](#footnote-55) but “*Bush v. Gore*, and the Boundary between Law and Politics” raises questions on the damage that the *Bush v. Gore* case may have done to the credibility of the Supreme Court. The partisan bias in the Supreme Court demonstrated how the Gore campaign was fighting a losing battle from the very beginning. In the Florida Supreme Court’s official decision in *Palm Beach County Canvassing Bd. v. Harris,* the case that was overturned by *Bush v. Gore*, the Court stated that if the undervotes were to be ignored, it would “result in Florida voters not participating fully in the federal electoral process.”[[56]](#footnote-56) The United States Supreme Court has long strived to present itself as nonpartisan, although with many Justices on it having left the bench to pursuit an elected office,[[57]](#footnote-57) its nonpartisanship has been heavily questioned.

*Bush v. Gore* is one of the most heavily critiqued United States Supreme Court cases in contemporary history, for it used the basis of the Fourteenth Amendment’s Equal Protection Clause as its justification for its majority decision.[[58]](#footnote-58) While at the same time, the Court is arguably not providing equal protection to all of the citizens who cast their ballots. Whether one believes the Court chose to undermine the will of Florida voters or not, the partisanship of the decision is clearly apparent, as all five concurring Justices were appointed by Republicans. Bush’s campaign had a very strong presence in Florida’s capitol building. With his brother, Jeb Bush, serving as the Governor and his Florida campaign co-chair Katherine Harris serving as the state’s Secretary of State, Secretary Baker knew that the partisanship of Gore’s path to victory in Florida was full of Republican roadblocks.[[59]](#footnote-59) The Gore campaign was not innocent of playing politics in this scenario. The four counties that Gore selected to recount all leaned heavily Democratic, making it easy for Baker and his team to demonstrate that Gore was simply attempting to gain more votes from those counties,[[60]](#footnote-60) however the methods of casting votes in some counties left much to be desired.

The mediums for voting in Florida in 2000 were disastrous, and the physical ballots

alone cost Al Gore the presidency. During the recount in Broward County, a phenomena dubbed “hanging chads” garnered much media attention. A hanging chad took place when a chad, an area on a ballot where the voter’s selection would be punched, had not completely been removed from the ballot. These ballots with hanging chads were not recorded in the machine count or the machine recount, but were ordered by the Florida Supreme Court to be manually recounted. In the recount, there was debate on the intent of the voter on whether they intended to select a candidate, or intended to select no candidate after punching a chad half way through. While Broward County finished its recount by the November 26th deadline, Palm Beach County had not. Palm Beach County used a butterfly ballot, and Bill Daley stated that “had the butterfly ballot not happened, Al Gore would’ve been president of the United States, no doubt in my mind.”[[61]](#footnote-61)

The layout of the Palm Beach Butterfly Ballot likely made many voters accidentally vote for Reform Party Candidate Pat Buchanan when they intended on voting for Al Gore.[[62]](#footnote-62) In the middle of the ballot’s two pages was the location where a voter would punch a hole to vote for president. The left page listed Bush first, with a thin arrow pointing towards the first hole, and Gore on the line below, with an arrow pointing towards the third hole. The right page listed Buchanan at the top of the list, with an arrow pointing to the second hole. Many Gore voters likely skimmed the left page, identified Gore as second on the list, and punched the second hole down, having come to the false conclusion that they voted for Gore.[[63]](#footnote-63) This is seen in the exit polls, which did not use a butterfly ballot, used by networks to make the early projection that Gore won Florida, and in the final results, where Buchanan earned 3,411 votes, 19.4% of Buchanan’s votes from Florida. The 3,411 votes was much higher than his total in the 1996 Republican primary, where he earned 5.4% of the vote in Florida in Palm Beach County.[[64]](#footnote-64) If Palm Beach County used a simpler ballot, Al Gore would have won Florida. Unfortunately for the Gore campaign, they did not have an argument that would prove beyond a reasonable doubt that the butterfly ballot was a form of voter suppression, especially as it was designed by a Democrat.[[65]](#footnote-65) After a valiant fight from his campaign, Gore conceded the race the day after the *Bush v. Gore* decision. While Gore officially lost Florida by 537 votes, there were many voting-age people in Florida who legally could not vote at all, and even some who were accidentally striped of those voting rights.

In 1968, Florida amended its constitution to disenfranchise, revoke the right to vote from, any Floridian who had committed a felony.[[66]](#footnote-66) Although felons in Florida still have to abide by Florida law, they are not allowed to vote in elections that can determine those laws. This is not quite as controversial as it may seem. Roger Clegg and Hans von Spakovsky questioned in their article titled, “There Are Good Reasons for Felons to Lose the Right to Vote”, for the conservative think tank The Heritage Foundation,[[67]](#footnote-67) why people who broke the law should have any say in electing lawmakers.[[68]](#footnote-68) Yet on the contrary, some scholars have described the disenfranchised as “America’s last remaining group of second class citizens,” and a Mississippi court case described them as “severed from the body politic condemned to the lowest form of citizenship.”[[69]](#footnote-69) Children and non-citizens cannot vote but are still subject to the law, but most felons in Florida are neither of those.

According to data from the Department of Justice, 46.2% of all inmates in the nation in 2000 were Black.[[70]](#footnote-70) Using Florida’s prison population in 2000 of 71,319,[[71]](#footnote-71) it could be estimated that around 33,000 of inmates in Florida were Black. Black Americans vote heavily Democratic in presidential elections, and 2000 was no different, with 90% of Black Americans voting for Gore.[[72]](#footnote-72) Under Florida law, felons and ex-felons who have served their time could not vote in 2000.

To track ex-felons, Florida hired a private company to create the Florida Central Voter File, a file listing all eligible voters in Florida, along with a felons’ exclusion list. The company, Database Technologies, erroneously placed thousands of would-be eligible voters on the felons’ exclusion list.[[73]](#footnote-73) It was estimated that around 20-30% of people on the list were incorrectly excluded from voting.[[74]](#footnote-74) Database Technologies used a flawed system that only required a 90% match when comparing voter registration and criminal records. This lead to people whose names that were similar to a convict’s name being disenfranchised.[[75]](#footnote-75) The error was even seen to have been racially biased towards Black Floridians. Of the top 100 names on the exclusion list, which made up 19% of all people on the felons’ exclusion list, 35% were Black and were 16% White.[[76]](#footnote-76) The error was so apparent that it prompted some counties to not even bother using the list at all, and allowed ex-felons to vote.[[77]](#footnote-77) Both the levels of felon disenfranchisement and the errors to the Florida Central Voter File suppressed the vote for Blacks, and certainly helped Bush win the state.

The Florida Supreme Court wrote in the majority decision of *Palm Beach County Canvassing Bd. v. Harris* that they “have identified the right of Florida's citizens to vote and to have elections determined by the will of Florida's voters.”[[78]](#footnote-78) In 2000, that did not occur. Al Gore lost the 2000 presidential election due to the partisanship of the Florida and United States’ Supreme Courts, the butterfly ballot in Palm Beach County, and both the purposeful and accidental felon disenfranchisement in Florida. If any of those items did not occur, Al Gore would have been elected President of the United States. While one could argue that the Gore should have traveled to Florida more, or run a better campaign overall, he did not, and Gore’s loss in the 2000 election will define him for the rest of his life. The amount of Republican roadblocks the Gore campaign would have to overcome in Florida made defeat inescapable, just longer to achieve. After the 2000 election, more and more Republican controlled states employed strict voter suppression tactics, such as gerrymandering and voter identification laws, to the point that there is now a positive correlation between the number of Republican state legislators and the amount of voter ID bills proposed.[[79]](#footnote-79) During the thirty-five day period of uncertainty, the country grew annoyed at what many conservative pundits described as pettiness from the Vice President. Signs that read “Sore Loserman 2000”, a play on “Gore Lieberman 2000”, became commonly seen, and as his legal battles continued, public opinion of Gore worsened.[[80]](#footnote-80) Gore was the victim of a robbery by circumstance, as sometimes bad luck is often all it takes to be robbed of a presidential election.

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