DOWNLOAD PDF THE SUPREME COURT AND ELECTION RETURNS LUCAS A. (SCOT POWE, JR.

Chapter 1 : Bush v. Gore :: U.S. 98 () :: Justia US Supreme Court Center

"The Supreme Court follows the election returns," the fictional Mr. Dooley observed a hundred years ago. And for all our ideals and dreams of a disinterested judiciary, above the political fray, it seems Mr. Dooley was right. In this engaging--and disturbing--book, a leading historian of the Court.

Under this section, the Arkansas Supreme Court generally has only appellate jurisdiction, meaning it typically hears cases that are appealed from trial courts. The Arkansas Supreme Court also has general superintending control over all inferior courts of law and equity. Louisiana Purchase through Early Statehood With the Louisiana Purchase of , Arkansas, as a part of the District of Louisiana, was attached to the territory of Indiana for judicial purposes. Initially, American post commandantsâ€"the military officers in charge in locations such as Arkansas Postâ€"continued the colonial practice of military supervision of local legal matters, which had begun during French possession of the area in Louis, Missouri, and enacted laws for the region. The following year, the name of the district was changed to the territory of Louisiana, and President Thomas Jefferson made three judicial appointments to the Superior Court: Lucas, Return Jonathan Meigs Jr. An act of the territorial legislature created the District of Arkansas. Following the admission of the state of Louisiana to the Union in , Arkansas remained a district of the newly named Missouri Territory, and the Superior Court retained its jurisdiction. On March 2, , President James Monroe approved a congressional act that established a separate territory of Arkansas and, two days later, appointed three judgesâ€"Charles Jouett, Robert Letcher, and Andrew Scott â€"to the Arkansas Superior Court, the immediate predecessor to the Arkansas Supreme Court. Congress added a fourth position in Jouett and Letcher never arrived in Arkansas to exercise their positions. John Thompson, appointed to fill the position vacated by Jouett, turned back en route, reportedly because of rumors of rampant illness in Arkansas. Scott served as sole member of the Superior Court for a year and a half, before Benjamin Johnson and Joseph Seldon finally accepted appointments to join Scott. Finding Dickinson guilty, Scott ordered that the defendant be castrated. The sentence was never completed, though, because territorial governor James Miller pardoned Dickinson. Moving with the territorial capital, the court convened in Little Rock Pulaski County in June , reportedly first sitting at a Baptist meeting house. In the summer of , Scott and Seldon fought a duel in which Seldon was killed. Dueling was illegal in Arkansas Territory, but Scott was never prosecuted because the duel was fought in Mississippi, across the river from Helena Phillips County. When Arkansas was admitted to the Union in , the territorial Superior Court gave way to a new judicial body. Herndon Haralson served as the first clerk of the court, while the colorful Albert Pike was the first reporter of decisions. The first written decisions published by the courtâ€"the cases of Ezekiel George v. Stateâ€"were appeals of indictments for operating houses of gambling. In , the Supreme Court acted to support the trustees of the Arkansas Real Estate Bank against efforts by Governor Archibald Yell and others to resolve the financial crisis involving both state banks. When Governor Yell asked the court to reconsider its decision, it refused on the grounds that to reconsider a case at the request of the governor would mean losing its independence as a separate branch of government. Chief Justice Elbert H. English a former reporter of decisions , Associate Justice Hulbert F. Fairchild, and Associate Justice Freeman Compton continued in office. Fairchild, whose family resided in distant Batesville Independence County , resigned and was replaced by Albert Pike. This refusal to act was one of the factors that led to the Brooks-Baxter War the following year. In , the Supreme Court declared in State of Arkansas v. Early Twentieth Century through World War II By , the court had become so backlogged with cases that it was three years behind the docket. The Arkansas State Bar Association gave unofficial support to younger candidates for the court, breaking with the tradition that permitted judges to be reelected to the court without significant opposition. The younger court committed itself to dealing with fifteen cases each week, with three opinions to be written weekly by each judge. Working twelve to fifteen hours a day, the judges had caught up to current cases by the end of Constitutional sanction of the enlargement of the court came in with voter approval of Amendment 9, which also allowed for

the future legislative creation of two additional judgeships. Act of further increased the number of justices to seven. Beginning in , with Rice v. The court ruled that only three such referenda could be placed on the ballot in any one election; it also ruled that such referenda passed only if they were approved by a majority of voters participating in the election rather than a majority of voters voting on the referendum. In other words, every voter who took a ballot but did not vote for a referendum was assumed to have voted against it. Among the votes that failed due to this interpretation was the re-creation of the office of lieutenant governor. The general principle was overturned in in Brickhouse v. Hill, a case that the justices disqualified themselves from hearing, leading Governor Thomas Terral to appoint a special court of five judges to hear this one case. The Brickhouse decision was specifically applied to the office of lieutenant governor in in Combs v. The Supreme Court ruled in that the Democratic Party was a private organization and therefore could make its own rules about who was allowed to be a member of the party. This decision allowed white-only primaries, which continued in Arkansas until the s. In , the Supreme Court upheld the two-percent state sales tax enacted by the legislature to support public schools. The court in heard a case Lynch v. Hammock involving a doctor from Tennessee hired to work at the Rohwer Relocation Center , an internment camp holding Japanese American citizens from the West Coast. The court ruled that the state had no jurisdiction to forbid the doctor from working in Arkansas, even though he was not licensed in Arkansas, on the grounds that he was working on federal property. Camp officials protested the ruling, even though it was in their favor, fearing that the same logic would be used by state agencies to refuse needed services for the camp. By a narrow vote, the court upheld Act 4, which had given the governor authority to close schools when he felt that they were threatened by violence. In , in State v. Epperson , an appeal to Epperson v. McDonald , the court heard challenges to Act 1 of , which forbade the teaching of the theory of evolution in state schools. The court upheld the act, but the U. Supreme Court overturned the decision the next year, criticizing the Arkansas Supreme Court for its reluctance to challenge public opinion and for not handling the case in a thorough and complete manner. In Act of , the legislature provided for the doubling of the number of appellate court judges to twelve. The Arkansas Supreme Court in heard the case Dupree v. Alma School District No. The issue was visited again in in Lake View School Dist. The state missed the deadline; after further court measures set a new deadline of December , the legislature met in special session and found ways to increase funding of public schools and to consolidate school districts in order to meet the court-demanded requirements. Meanwhile, in , the court heard a suit against Walmart Inc. The court ruled in favor of Walmart Inc. Both Roy and Howard were later appointed to the federal bench, and both died in The court had a female majority for the first time after new justices Robin Wynne and Rhonda Wood were sworn in on January 6, The longest-serving justice was George Rose Smith , who served from to Smith in an unprecedented trio of judges on the same state Supreme Court bearing the same last name. Justice George Rose Smith was a man of many diverse talents who created crossword puzzles for the New York Times and was proficient in woodworking and in bricklaying. He was celebrated for his incisive style and his mischievous wit. One of these imaginary cases, Catt v. State , involved brothers, Kilkenny Catt and Gallico Catt, who received inconsistent jury verdicts for identical acts of fraud and cocaine possession. Not only were these articles taken seriously by other Arkansas law scholars, but the Catt case was even quoted in a decision by a court in Delaware before the joke was exposed. Ledbetter, Calvin Reville, Jr. Distinguishing the Righteous from the Roguish: The Arkansas Supreme Court, â€" University of Arkansas Press, Arkansas Territoryâ€"State and its Highest Courts. Clerk of the Supreme Court, Old Seeds in the New Land: History and Reminiscences of the Bar of Arkansas.

Chapter 2 : Pols weigh in on Citizens United decision - POLITICO

Powe links the Supreme Court's late 20th-century mindset change with the ascendancy of a Republican majority in Congress, which began with the elections and continued until the mid-term election of

March 14, By Kathleen Hennessey Reporting from Washington â€” As Virginia Thomas tells it in her soft-spoken, Midwestern cadence, the story of her involvement in the "tea party" movement is the tale of an average citizen in action. She is the wife of Supreme Court Justice Clarence Thomas, and she has launched a tea-party-linked group that could test the traditional notions of political impartiality for the court. The group plans to issue score cards for Congress members and be involved in the November election, although Thomas would not specify how. She said it would accept donations from various sources -- including corporations -- as allowed under campaign finance rules recently loosened by the Supreme Court. Bush, has been a reliable conservative vote since he joined the court in But Liberty Central could give rise to conflicts of interest for her husband, they said, as it tests the norms for judicial spouses. The couple have been married since He said the expectations for spouses are far less clear. Under judicial rules, judges must curb political activity, but a spouse is free to engage. Virginia Thomas declined to comment in detail about her plans for LibertyCentral. In a brief phone interview, she did not directly answer questions about whether she and her husband had discussed the effects her role might have on perceptions of his impartiality. Did you ask Ed Rendell that question? Virginia Thomas has long been a passionate voice for conservative views. She has worked for former Republican Rep. In , while at the Heritage Foundation, she was recruiting staff for a possible George W. Bush administration as her husband was hearing the case that would decide the election. When journalists reported her work, Thomas said she saw no conflict of interest and that she rarely discussed court matters with her husband. Although Liberty Central is a nonpartisan group, its website shows an affinity for conservative principles. How the Supreme Court is Destroying America. As in her appearance at the panel discussion, the website does not mention Clarence Thomas.

Chapter 3 : NPR Choice page

"The Supreme Court follows the election returns," the fictional Mr. Dooley observed a hundred years ago. And for all our ideals and dreams of a disinterested judiciary, above the political fray, it seems Mr. Dooley was right.

Lawton Chiles in â€" set in motion the process for a Republican governor to select his successor. If the year-old Winsor serves until the mandatory retirement age that Benton reached, he will have spent three decades on the bench. Three have benches that are entirely comprised of judges named by governors who were elected as Republicans. Scott alone has appointed nine of the 15 judges on the 1st District Court of Appeal, which is based in Tallahassee and hears most of the cases challenging the authority of the governor and the Legislature. And with his choices, Scott has at times overtly attempted to shape a more conservative bench â€" aided, critics say, by changes to the process for naming judges approved during Gov. In February , a little more than a month after he had been sworn in as governor, Scott made his first appeals-court appointment. Primarily a criminal court judge for most of the past 15 years, he has demonstrated a judicial philosophy that makes him unlikely to overstep the role of the judiciary. Scott would rarely again so bluntly link his judicial appointments to a particular philosophy. But he would use phrases popular in conservative legal circles, referring again and again to "the rule of law," judicial restraint and a judge understanding the proper role of the branches of government. Few attorneys, especially those who go before appellate courts, are willing to publicly discuss the political leanings of judges. But some, particularly among those whose areas of expertise might not be in favor with the current governor, privately concede that there has been a shift in the direction of the district courts of appeal, some of it preceding Scott. The Federalist Society mentions "the rule of law" in its statement of purpose. There are also suggestions that Scott only appoints certain kinds of attorneys or judges to the appellate courts. The courts now also feature fewer lawyers who have represented individual clients, critics say, and more who were prosecutors and government lawyers, or represented institutions or corporations at large law firms. That can be as much or even more of an issue than the political balance of the courts, lawyers say, because it has more far-reaching effects than the few, highly publicized blockbuster cases on polarizing issues. That measure reshaped the judicial nominating commissions responsible for forwarding potential nominees to the governor. Initially, under the "merit retention" system that Florida adopted after a series of scandals rocked the Supreme Court in the s, the governor chose three members of each judicial nominating commission. The Florida Bar chose three more and an additional three members were chosen by those appointees. After the Bush-era changes, though, the governor essentially names all nine members of the nominating commissions â€" five of his choice, and four from lists submitted by The Florida Bar. That would allow them to serve for almost 21 years before reaching age At 39, Winsor was the youngest. Others are less certain that damage has been done by the changes to the judicial nominating commissions. Dorothy Easley, a past chair of the Appellate Practice Section of the Florida Bar, said most judges at the appellate courts appear to be making decisions based on the law, not the governor who appoints them. But the twilight hour for a relatively liberal majority could be fading in that court as well. Three more justices are set to retire at the end of â€" R. All three are members of the majority on many divided cases. Saying the situation was still ambiguous, Republicans pushed a proposed constitutional amendment in that would have allowed the outgoing governor to pick replacement in such situations. That could lead to another conflict in if Scott decides to press the issue and seek to make the appointments. In the meantime, the Supreme Court has repeatedly pushed back against measures approved by Scott and the Legislature, now often doing so by reversing decisions reached by appellate courts. Scott has laid out only general principles so far in what will guide him in his decision-making about appointing a successor to Perry. Are they going to be humble in the process, and are they going to uphold the law. I want people that want to uphold our existing laws," he said. I expect our court system to uphold the laws of our state. The conservative members of the current court have been respected legal minds, he said. But a young nominee with connections would send a different

message. Lanier said the current court was acting independently, balancing rulings against the GOP majority in some areas with others in its favor.

Chapter 4 : Justice's wife launches 'tea party' group - latimes

GOVT: M THE SUPREME COURT AND PUBLIC POLICY PROFESSOR SCOT POWE SPRING OFFICE HOURS: MON. P.M. TUES. P.M. Readings: Lucas A. Powe, Jr. The Supreme Court and the American Elite (Harvard.

In , a charter granted by France created a Superior Council with executive and judicial function which functioned as a court of last resort in both civil and criminal cases. The colonial Governor held the power of final authority in legal cases. American territorial government[edit] In , Louisiana became a territory of the United States, known as the Territory of Orleans. In , Congress created a three-judge Superior Court for the territory and gave the Legislative Council the power to create other courts. These courts were courts of general jurisdiction with an appeal applying to the Superior Court. The Court under the state government of Louisiana[edit] See also: List of Justices of the Louisiana Supreme Court Constitution of [edit] In the first Constitution for the state of Louisiana, one Supreme Court was created and the Legislature was given the power to create inferior courts. The number of judges was fixed to be not less than three and not more than five who were to be appointed by the Governor. The Court was required to sit in New Orleans and Opelousas. Constitution of [edit] The Constitution created a Supreme Court composed of one Chief Justice and three Associate Justices appointed by the Governor to eight-year terms. The Court sat in New Orleans. Constitution of [edit] The Constitution increased the number of Justices on the Court to five, and all became elected by the people. The Chief Justice was elected at-large by the entire state and the Associate Justices were elected from four districts throughout the state. The Justices served ten-year terms. Constitution of [edit] In , the Justices again became appointed, and their term length was decreased to eight years. Constitution of [edit] The Constitution did not change the makeup or terms of the Supreme Court, however, it did change and expand its jurisdiction in civil cases to include nearly all types of cases. Constitution of [edit] The post-Reconstruction Constitution of substantially modified the organization of the Louisiana judiciary. The Supreme Court retained five justices, but they were now appointed by the Governor and served twelve-year terms. For the first time, the Supreme Court was given supervisory power over the inferior courts. It also gave more limitations to the opportunity to vote by people of color. The Court was given original jurisdiction over the bar. New Orleans was fixed as the seat of the Supreme Court. The Chief Justice was determined by the senior justice in point of service. Constitution of [edit] The Constitution of affected the Court by requiring that the members of the judiciary be elected instead of appointed. Constitution of [edit] In , the Court gained two seats, increasing the number of justices to seven. Due to having a large backlog in its docket, the Court was authorized to sit in panels of three. The Supreme Court was also given the power to remove lower court judges from office. Constitution of [edit] The current Louisiana Constitution of , as amended in , provides for a Supreme Court composed of a Justice elected from each of seven Supreme Court Districts, serving a term of 10 years. The Chief Justice is not elected separately from the other justices as is the case in other states, such as with the Texas Supreme Court ; under Article V, Section 6, the "judge oldest in point of service on the supreme court" i. Jurisdiction and appeals[edit] The Court has original jurisdiction over matters arising from disciplinary matters involving the bench and bar pursuant to La. Constitution Article V, section 5 B. The Court has exclusive appellate jurisdiction i. Constitution Article V, section 5 D. In all other matters, the Court has regular appellate jurisdiction from the lower Courts of Appeals. Death penalty appeals are automatic as a matter of right. All other appellate review of lower court decisions in the state is obtained by the writ of certiorari process as provided for by Article V, Section 5 A of the Louisiana Constitution of , and Rule X of the Supreme Court Rules. The Court has general supervisory and rule making authority over all the lower state courts pursuant to La. Constitution Article V, section 5 A. On certain questions involving the persons who serve as judges at any level under the constitution of the State of Louisiana, the Louisiana Supreme Court may entertain recommendations from the Judiciary Commission of Louisiana, a nine-member advisory body. The districts are composed as follows:

Chapter 5 : Library Resource Finder: Table of Contents for: The United States Supreme Court : the pu

If the Court upholds the lower-court decision, it will be effectively amending the Constitution to outlaw a practice that has existed since the first federal election, in

Bush asserted that the net gain for Vice President Gore in Palm Beach County was votes, and directed the Circuit Court to resolve that dispute on remand. The court further held that relief would require manual recounts in all Florida counties where so-called "undervotes" had not been subject to manual tabulation. The court ordered all manual recounts to begin at once. Governor Bush and Richard Cheney, Republican candidates for President and Vice President, filed an emergency application for a stay of this mandate. On December 9, we granted the application, treated the application as a petition for a writ of certiorari, and granted certiorari. The proceedings leading to the present controversy are discussed in some detail in our opinion in Bush v. Palm Beach County Canvassing Bd. On November 8, , the day following the Presidential election, the Florida Division of Elections reported that petitioner Bush had received 2,, votes, and respondent Gore had received 2,, votes, a margin of Mr. Butterworth, pro se, Paul F. Adams, and Roger J. Bernstein; and for Michael F. A dispute arose concerning the deadline for local county canvassing boards to submit their returns to the Secretary of State Secretary. The Secretary declined to waive the November 14 deadline imposed by statute. The Florida Supreme Court, however, set the deadline at November Bush I, ante, at On December 11, the Florida Supreme Court issued a decision on remand reinstating that date. The Circuit Court denied relief, stating that Vice President Gore failed to meet his burden of proof. Accepting jurisdiction, the Florida Supreme Court affirmed in part and reversed in part. Harris, Per Curiam So. Noting the closeness of the election, the court explained that "[o]n this record, there can be no question that there are legal votes within the 9, uncounted votes sufficient to place the results of this election in doubt. The court therefore ordered a hand recount of the 9, ballots in Miami-Dade County. The Supreme Court also determined that Palm Beach County and Miami-Dade County, in their earlier manual recounts, had identified a net gain of and legal votes, respectively, for Vice President Gore. As to Miami-Dade County, the court concluded that although the votes identified were the result of a partial recount, they were "legal votes [that] could change the outcome of the election. The Supreme Court therefore directed the Circuit Court to include those totals in the certified results, subject to resolution of the actual vote total from the Miami-Dade partial recount. The petition presents the following questions: With respect to the equal protection question, we find a violation of the Equal Protection Clause. II A The closeness of this election, and the multitude of legal challenges which have followed in its wake, have brought into sharp focus a common, if heretofore unnoticed, phenomenon. In certifying election results, the votes eligible for inclusion in the certification are the votes meeting the properly established legal requirements. After the current counting, it is likely legislative bodies nationwide will examine ways to improve the mechanisms and machinery for voting. B The individual citizen has no federal constitutional right to vote for electors for the President of the United States unless and until the state legislature chooses a statewide election as the means to implement its power to appoint members of the electoral college. This is the source for the statement in McPherson v. History has now favored the voter, and in each of the several States the citizens themselves vote for Presidential electors. When the state legislature vests the right to vote for President in its people, the right to vote as the legislature has prescribed is fundamental; and one source of its fundamental nature lies in the equal weight accorded to each vote and the equal dignity owed to each voter. The State, of course, after granting the franchise in the special context of Article II, can take back the power to appoint electors. Equal protection applies as well to the manner of its exercise. There is no difference between the two sides of the present controversy on these basic propositions. Respondents say that the very purpose of vindicating the right to vote justifies the recount procedures now at issue. The question before us, however, is whether the recount procedures the Florida Supreme Court has adopted are consistent with its obligation to avoid arbitrary and disparate treatment of the members of its

electorate. Much of the controversy seems to revolve around ballot cards designed to be perforated by a stylus but which, either through error or deliberate omission, have not been perforated with sufficient precision for a machine to register the perforations. In some cases a piece of the card-a chad-is hanging, say, by two corners. In other cases there is no separation at all, just an indentation. The Florida Supreme Court has ordered that the intent of the voter be discerned from such ballots. For purposes of resolving the equal protection challenge, it is not necessary to decide whether the Florida Supreme Court had the authority under the legislative scheme for resolving election disputes to define what a legal vote is and to mandate a manual recount implementing that definition. The recount mechanisms implemented in response to the decisions of the Florida Supreme Court do not satisfy the minimum requirement for nonarbitrary treatment of voters necessary to secure the fundamental right. This is unobjectionable as an abstract proposition and a starting principle. The problem inheres in the absence of specific standards to ensure its equal application. The formulation of uniform rules to determine intent based on these recurring circumstances is practicable and, we conclude, necessary. The law does not refrain from searching for the intent of the actor in a multitude of circumstances; and in some cases the general command to ascertain intent is not susceptible to much further refinement. In this instance, however, the question is not whether to believe a witness but how to interpret the marks or holes or scratches on an inanimate object, a piece of cardboard or paper which, it is said, might not have registered as a vote during the machine count. The factfinder confronts a thing, not a person. The search for intent can be confined by specific rules designed to ensure uniform treatment. The want of those rules here has led to unequal evaluation of ballots in various respects. Here, the county canvassing boards disagree". As seems to have been acknowledged at oral argument, the standards for accepting or rejecting contested ballots might vary not only from county to county but indeed within a single county from one recount team to another. The record provides some examples. A monitor in Miami-Dade County testified at trial that he observed that three members of the county canvassing board applied different standards in defining a legal vote. And testimony at trial also revealed that at least one county changed its evaluative standards during the counting process. Palm Beach County, for example, began the process with a guideline which precluded counting completely attached chads, switched to a rule that consid- ered a vote to be legal if any light could be seen through a chad, changed back to the rule, and then abandoned any pretense of a per se rule, only to have a court order that the county consider dimpled chads legal. This is not a process with sufficient guarantees of equal treatment. An early case in our one-person, one-vote jurisprudence arose when a State accorded arbitrary and disparate treatment to voters in its different counties. The Court found a constitutional violation. We relied on these principles in the context of the Presidential selection process in Moore v. There we observed that "[t]he idea that one group can be granted greater voting strength than another is hostile to the one man, one vote basis of our representative government. The State Supreme Court ratified this uneven treatment. It mandated that the recount totals from two counties, Miami-Dade and Palm Beach, be included in the certified total. The court also appeared to hold sub silentio that the recount totals from Broward County, which were not completed until after the original November 14 certification by the Secretary, were to be considered part of the new certified vote totals even though the county certification was not contested by Vice President Gore. Yet each of the counties used varying standards to determine what was a legal vote. Broward County used a more forgiving standard than Palm Beach County, and uncovered almost three times as many new votes, a result markedly disproportionate to the difference in population between the counties. In addition, the recounts in these three counties were not limited to so-called undervotes but extended to all of the ballots. The distinction has real consequences. A manual recount of all ballots identifies not only those ballots which show no vote but also those which contain more than one, Per Curiam the so-called overvotes. Neither category will be counted by the machine. This is not a trivial concern. At oral argument, respondents estimated there are as many as , overvotes statewide. As a result, the citizen whose ballot was not read by a machine because he failed to vote for a candidate in a way readable by a machine may still have his vote counted in a manual recount; on the other hand, the citizen who marks two candidates in a way discernible by the machine will not have the same opportunity to have his vote

count, even if a manual examination of the ballot would reveal the requisite indicia of intent. Furthermore, the citizen who marks two candidates, only one of which is discernible by the machine, will have his vote counted even though it should have been read as an invalid ballot. That brings the analysis to yet a further equal protection problem. The votes certified by the court included a partial total from one county, Miami-Dade. The press of time does not diminish the constitutional concern. A desire for speed is not a general excuse for ignoring equal protection guarantees. That order did not specify who would recount the ballots. The county canvassing boards were forced to pull together ad hoc teams of judges from various Circuits who had no previous training in handling and interpreting ballots. Furthermore, while others were permitted to observe, they were prohibited from objecting during the recount. The recount process, in its features here described, is inconsistent with the minimum procedures necessary to protect the fundamental right of each voter in the special instance of a statewide recount under the authority of a single state judicial officer. Our consideration is limited to the present circumstances, for the problem of equal protection in election processes generally presents many complexities. The question before the Court is not whether local entities, in the exercise of their expertise, may develop different systems for implementing elections. Instead, we are presented with a situation where a state court with the power to assure uniformity has ordered a statewide recount with minimal procedural safeguards. When a court orders a statewide remedy, there must be at least some assurance that the rudimentary requirements of equal treatment and fundamental fairness are satisfied. The contest provision, as it was mandated by the State Supreme Court, is not well calculated to sustain the confidence that all citizens must have in the outcome of elections. The State has not shown that its procedures include the necessary safeguards. The problem, for instance, of the estimated , overvotes has not been Per Curiam addressed, although Chief Justice Wells called attention to the concern in his dissenting opinion. Upon due consideration of the difficulties identified to this point, it is obvious that the recount cannot be conducted in compliance with the requirements of equal protection and due process without substantial additional work. It would require not only the adoption after opportunity for argument of adequate statewide standards for determining what is a legal vote, and practicable procedures to implement them, but also orderly judicial review of any disputed matters that might arise. In addition, the Secretary has advised that the recount of only a portion of the ballots requires that the vote tabulation equipment be used to screen out undervotes, a function for which the machines were not designed. If a recount of overvotes were also required, perhaps even a second screening would be necessary. Use of the equipment for this purpose, and any new software developed for it, would have to be evaluated for accuracy by the Secretary, as required by Fla. That statute, in turn, requires that any controversy or contest that is designed to lead to a conclusive selection of electors be completed by December Because it is evident that any recount seeking to meet the December 12 date will be unconstitutional for the reasons we have discussed, we reverse the judgment of the Supreme Court of Florida ordering a recount to proceed. The only disagreement is as to the remedy.

Chapter 6 : Supreme Court of Arkansas - Encyclopedia of Arkansas

Presented with a relatively narrow legal issue, the Supreme Court chose to roll back laws that have limited the role of corporate money in federal elections since Teddy Roosevelt was president.

Chapter 7 : The Supreme Court and the American Elite, â€" Lucas A. Powe, Jr. | Harvard University Press

Lucas A. Powe Jr. is a professor of law and government at the University of Texas and author of "The Supreme Court and the American Elite, " He was a clerk to Supreme Court Justice William O. Douglas.

Chapter 8 : Louisiana Supreme Court - Wikipedia

DOWNLOAD PDF THE SUPREME COURT AND ELECTION RETURNS LUCAS A. (SCOT POWE, JR.

The jurisdiction and power of the Arkansas Supreme Court is controlled by Article VII, Section 4 of the Arkansas constitution as amended in by Amendment Under this section, the Arkansas Supreme Court generally has only appellate jurisdiction, meaning it typically hears cases that are appealed from trial courts.

Chapter 9 : County Election Results, General Election, November 6,

The group plans to issue score cards for Congress members and be involved in the November election, although Thomas would not specify how. She said it would accept donations from various sources -- including corporations -- as allowed under campaign finance rules recently loosened by the Supreme Court.