

# Bush vs. Gore

## Background of the Case



## The Battle Over the White House

The 2000 presidential election between Democratic candidate Vice President Al Gore and Republican Governor George W. Bush of Texas was a tight race. It became clear that whoever won Florida would have the 270 electoral votes needed to win. Only a few hundred votes separated the two candidates. Unfortunately, many of the paper ballots were damaged or not marked properly.

The candidates turned to the Florida courts to decide how the disputed votes should be counted. The state Supreme Court said that each ballot that showed a “clear indication of the intent of the voter” should be counted. The court ordered a recount, where all votes were to be counted again. Lawyers for Bush appealed the case to the U.S. Supreme Court. They argued that it would be impossible to tell a voter’s intent on a mismarked ballot.

## The Decision

On December 12, the Supreme Court ruled for Bush in a 5-4 decision. It said that the votes could not be counted consistently across Florida in different counties that used different methods, because not every ballot would be treated equally.

The Supreme Court ordered the recount to stop. The original result would stand. As a result, Bush won Florida by 537 votes. Winning Florida gave him enough electoral votes to win in the Electoral College. Bush received 271 electoral votes to Gore’s 266. George W. Bush became the 43rd president of the United States.

## Why It Matters

The ruling raised issues about the fairness of American elections and the powers of the Supreme Court. Many thought that the Court had overstepped its authority by making a political decision beyond its jurisdiction. Critics said that the power to settle this issue constitutionally belonged to the state of Florida, not the U.S. Supreme Court. To this day, *Bush v. Gore* remains one of the Court’s most controversial decisions.

