

PROTEST OF ELECTION RETURNS TO CANVASSING BOARD

Green Cove Springs, Florida
May 8, 1968

As provided in Section 102.166, Florida Statutes, I,
Luther E. "Cooter" Wilson of Clay County, Florida, believe the
election returns from Precinct No. 10 in the Primary election
on May 7, 1968 are erroneous.

I hereby protest the canvass of such returns by the Primary
Canvassing Board, and request that said returns be investigated,
examined, checked and corrected by said Canvassing Board. The
basis for this protest is:

1. Gladys Phillips voted a Democratic ticket when she was a
registered Republican and she has been actively campaigning
for Homer Newell.

Luther E. (Cooter) Wilson
Precinct No. 1
Clay County

Witness to signature

(1) W. J. Weeks

(2) A. E. Anthony

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AMENDED PROTEST OF ELECTION RETURNS TO CANVASSING BOARD.

Green Cove Springs, Florida
May 8, 1968

As provided in Section 102.166, Florida Statutes, I, Luther E. "Cooter" Wilson of Clay County, Florida, believe the election returns from all precincts in the Primary Election on May 7, 1968 are erroneous.

I hereby protest the canvass of such returns by the Primary Canvassing Board, and request that said returns be investigated, examined, checked and corrected by said Canvassing Board. The basis for this protest is:

- (1) The closeness of the vote received by each candidate in the race for County Commissioner, District #1, there being only one vote difference between the votes received by each candidate; the chances for error are ever present and the closeness demands a recount.
- (2) Gladys Phillips, a registered Republican, willfully and knowingly voted a Democratic ticket, which vote was made possible by an oversight of the Voting Inspector; said Inspector being Dorothy Cannington.
- (3) Eugene Francis, a registered Democrat, was denied his right to vote for Luther E. "Cooter" Wilson when he intended to and attempted to vote for the said Luther E. "Cooter" Wilson, by a malfunctioning of the voting machine, which incident was reported to the Voting Inspector by the elector immediately following his leaving the voting booth.
- (4) Various other clerical, counting and voting errors.

Luther E. "Cooter" Wilson
Precinct No. 1
Clay County

Witness to signature

(1) James L. Harrison
(2) E. D. Wilson

I do solemnly swear that an error was made in allowing Gladys Phillips to vote. She is a registered Republican and was allowed by mistake to vote the Democratic ticket. She voted a Democratic ticket on Machine No. 20968.

Margie Raughter, Clerk
Floretta Duran Machine Inspector
Dorothy Cunningham Inspector
May 7, 1968

Precinct 10 - Clay Co. - Hilltop -

**Certificate of the Board of County Canvassers Democratic Primary
Election held on the 7th Day of May, 1968**

STATE OF FLORIDA

CLAY COUNTY

We, the undersigned Thomas J. Rivers, County Judge, S. D. Saunders, Supervisor of Elections, and Marvin C. Green, Member of the Board of County Commissioners of said County, constituting the Board of County Canvassers of Primary Elections in and for said County, do hereby certify that we met at the office of the Supervisor of Elections aforesaid, on the 8 day of May, A.D., 1968, and proceeded to publicly canvass the votes given for the Several nominations and the persons hereinafter specified at the Democratic Primary Election held in said County on the 7th day of May, A.D., 1968, as shown by the returns on file in the office of such Judge and Supervisor of Elections, respectively, and we do hereby certify solely, exclusively and entirely from said returns that the whole number of votes cast:

For the nomination of a Democratic candidate for United States Senator, the whole number of votes cast was 4896, of which number

LeRoy Collins	received	<u>1653</u>	votes
Earl Faircloth	received	<u>2940</u>	votes
Sam Foor	received	<u>153</u>	votes
Richard Lafferty	received	<u>150</u>	votes

For the nomination of a Democratic candidate for Representative in Congress, _____ Congressional District, the whole number of votes cast was _____, of which number

_____	received	_____	votes
_____	received	_____	votes
_____	received	_____	votes
_____	received	_____	votes

For the nomination of a Democratic candidate for the office of Justice of the Supreme Court, Group 1, the whole number of votes cast was 3312, of which number

Joe Boyd	received	<u>1248</u>	votes
Richard H. Cooper	received	<u>1011</u>	votes
Sam Smith	received	<u>1053</u>	votes

For the nomination of a Democratic candidate for the office of Justice of the Supreme Court, Group 2, the whole number of votes cast was 3105, of which number

James C. Adkins, Jr.	received	<u>2507</u>	votes
Woodie A. Liles	received	<u>598</u>	votes

For the nomination of a Democratic candidate for the office of Justice of the Supreme Court, Group 3, the whole number of votes cast was 3033, of which number

Vassar B. Carlton	received	<u>1900</u>	votes
Hal P. Dekle	received	<u>1133</u>	votes

For the nomination of a Democratic candidate for the office of Judge of the District Court of Appeal, _____ Appellate District, the whole number of votes cast was _____, of which number

_____	received	_____	votes
_____	received	_____	votes

For the nomination of a Democratic candidate for Circuit Judge, 4th Judicial Circuit, Group No. 4, the whole number of votes cast was 3511, of which number

<u>Cliff Shepard</u>	received	<u>1215</u>	votes
<u>Lamar Winggeart, Jr</u>	received	<u>2296</u>	votes
_____	received	_____	votes

For the nomination of a Democratic candidate for Commissioner of the Florida Public Service Commission, the whole number of votes cast was 3299, of which number

Harvey H. Baker	received	<u>658</u>	votes
Robert C. Brand	received	<u>392</u>	votes
Jess Yarborough	received	<u>2249</u>	votes

For the nomination of a Democratic candidate for the office of State Attorney 13th Judicial Circuit, the whole number of votes cast was 4167, of which number

<u>Ed Austin</u>	received	<u>2243</u>	votes
<u>A. C. Soud</u>	received	<u>1332</u>	votes
<u>Carlton L. Welch</u>	received	<u>592</u>	votes

For the nomination of a Democratic candidate for the office of Public Defender _____ Judicial Circuit, the whole number of votes cast was _____, of which number

_____	received	_____	votes
_____	received	_____	votes
_____	received	_____	votes

For the nomination of a Democratic candidate for State Senator 13th Senatorial District, the whole number of votes cast was 3705, of which number

<u>Lewis E. Dinkins</u>	received	<u>1228</u>	votes
<u>J.H. "Jim" Williams</u>	received	<u>2477</u>	votes
_____	received	_____	votes

For the nomination of a Democratic candidate for State Senator _____ Senatorial District, the whole number of votes cast was _____, of which number

_____	received	_____	votes
_____	received	_____	votes
_____	received	_____	votes

For the nomination of a Democratic candidate for State Senator _____ Senatorial District, the whole number of votes cast was _____, of which number

_____	received	_____	votes
_____	received	_____	votes
_____	received	_____	votes

For the nomination of a Democratic candidate for State Senator _____ Senatorial District, the whole number of votes cast was _____, of which number

_____	received	_____	votes
_____	received	_____	votes
_____	received	_____	votes

For the nomination of a Democratic candidate for State Senator _____ Senatorial District, the whole number of votes cast was _____, of which number

_____	received	_____	votes
_____	received	_____	votes
_____	received	_____	votes

For the nomination of a Democratic candidate for State Senator _____ Senatorial District, the whole number of votes cast was _____, of which number

_____	received	_____	votes
_____	received	_____	votes
_____	received	_____	votes

For the nomination of a Democratic candidate for State Senator _____ Senatorial District, the whole number of votes cast was _____, of which number

_____	received	_____	votes
_____	received	_____	votes
_____	received	_____	votes

For the nomination of a Democratic candidate for State Senator _____ Senatorial District, the whole number of votes cast was _____, of which number

_____	received	_____	votes
_____	received	_____	votes
_____	received	_____	votes

For the nomination of a Democratic candidate for County Judge, the whole number of votes cast was 5,064, of which number

<u>Kelvin A. Oliver</u>	received	<u>1484</u>	votes
<u>Thomas J. Rivers</u>	received	<u>3580</u>	votes
	received		votes
	received		votes

For the nomination of a Democratic candidate for Sheriff, the whole number of votes cast was _____, of which number

	received		votes
	received		votes
	received		votes
	received		votes

For the nomination of a Democratic candidate for Clerk of the Circuit Court, the whole number of votes cast was _____, of which number

	received		votes
	received		votes
	received		votes
	received		votes

For the nomination of a Democratic candidate for Tax Assessor, the whole number of votes cast was _____, of which number

	received		votes
	received		votes
	received		votes
	received		votes

For the nomination of a Democratic candidate for Tax Collector, the whole number of votes cast was _____, of which number

	received		votes
	received		votes
	received		votes
	received		votes

For the nomination of a Democratic candidate for Superintendent of Public Instruction, the whole number of votes cast was _____, of which number

	received		votes
	received		votes
	received		votes
	received		votes

For the nomination of a Democratic candidate for Supervisor of Registration, the whole number of votes cast was 4885, of which number

<u>Ray Bradley</u>	received	<u>1322</u>	votes
<u>S.D. (Sam) Saunders</u>	received	<u>3563</u>	votes
	received		votes
	received		votes

For the nomination of a Democratic candidate for County Prosecuting Attorney, the whole number of votes cast was _____, of which number

	received		votes
	received		votes
	received		votes
	received		votes

For the nomination of a Democratic candidate for Judge of the Small Claims Court, the whole number of votes cast was _____, of which number

	received		votes
	received		votes
	received		votes
	received		votes

For the nomination of a Democratic candidate for County Commissioner, District No. 1, the whole number of votes cast was 4881, of which number

<u>Homer L. Newell</u>	received	<u>2441</u>	votes
<u>L.E. (Cooter) Wilson</u>	received	<u>2440</u>	votes
	received		votes

For the nomination of a Democratic candidate for County Commissioner, District No. 3, the whole number of votes cast was 4804, of which number

<u>Ernest Hatcher</u>	received	<u>2352</u>	votes
<u>Olin S. Howard, Jr.</u>	received	<u>2452</u>	votes
	received		votes

For the nomination of a Democratic candidate for County Commissioner, District No. 5, the whole number of votes cast was 4655, of which number

<u>L.H. (Lanny) Lancaster</u>	received	<u>2507</u>	votes
<u>Joe Marcy</u>	received	<u>1391</u>	votes
<u>Charles E. Todd</u>	received	<u>757</u>	votes

For the nomination of a Democratic candidate for Member County Board of Public Instruction, District No. 4, the whole number of votes cast was 4353, of which number

<u>Leon A. Baxley</u>	received	<u>2734</u>	votes
<u>Robert J. Williams</u>	received	<u>1619</u>	votes
	received		votes

For the nomination of a Democratic candidate for Member County Board of Public Instruction, District No. _____, the whole number of votes cast was _____, of which number

	received		votes
	received		votes
	received		votes

For the nomination of a Democratic candidate for Member County Board of Public Instruction, District No. _____, the whole number of votes cast was _____, of which number

	received		votes
	received		votes
	received		votes

For the nomination of a Democratic candidate for Justice of the Peace, District No. 2, the whole number of votes cast was 1652, of which number

<u>L.E. (Ben) Green</u>	received	<u>1042</u>	votes
<u>Sam Zizzo</u>	received	<u>610</u>	votes
	received		votes

For the nomination of a Democratic candidate for Justice of the Peace, District No. 3, the whole number of votes cast was 724, of which number

<u>Sidney Blackmon</u>	received	<u>275</u>	votes
<u>Allen Eugene Taylor</u>	received	<u>449</u>	votes
	received		votes

For the nomination of a Democratic candidate for Justice of the Peace, District No. 4, the whole number of votes cast was 599, of which number

<u>Graham F. Hutchison</u>	received	<u>285</u>	votes
<u>E.L. Jones, Jr.</u>	received	<u>314</u>	votes
	received		votes

For the nomination of a Democratic candidate for Justice of the Peace, District No. 5, the whole number of votes cast was 144, of which number

<u>Walter Chaney, Jr.</u>	received	<u>47</u>	votes
<u>O. W. Sweat</u>	received	<u>97</u>	votes
	received		votes

For the nomination of a Democratic candidate for Justice of the Peace, District No. _____, the whole number of votes cast was _____, of which number _____ received _____ votes
_____ received _____ votes
_____ received _____ votes

For the nomination of a Democratic candidate for Constable, District No. 1, the whole number of votes cast was 1905, of which number _____
Ronald R. Brooker received 1087 votes
James Knowles received 818 votes
_____ received _____ votes

For the nomination of a Democratic candidate for Constable, District No. 2, the whole number of votes cast was 1814, of which number _____
Sidney F. Burris received 534 votes
B. D. Carter, Jr. received 547 votes
Carl E. Mosley received 733 votes

For the nomination of a Democratic candidate for Constable, District No. 3, the whole number of votes cast was 712, of which number _____
Frank Carter received 370 votes
E. E. (Gene) McLendon received 342 votes
_____ received _____ votes

For the nomination of a Democratic candidate for Constable, District No. 5, the whole number of votes cast was 142, of which number _____
Henry Bohannon received 110 votes
Melburn L. Carter received 32 votes
_____ received _____ votes

For the nomination of a Democratic candidate for _____, the whole number of votes cast was _____, of which number _____
_____ received _____ votes
_____ received _____ votes
_____ received _____ votes

For the nomination of a Democratic candidate for _____, the whole number of votes cast was _____, of which number _____
_____ received _____ votes
_____ received _____ votes
_____ received _____ votes

For the nomination of a Democratic candidate for _____, the whole number of votes cast was _____, of which number _____
_____ received _____ votes
_____ received _____ votes
_____ received _____ votes

For the nomination of a Democratic candidate for _____, the whole number of votes cast was _____, of which number _____
_____ received _____ votes
_____ received _____ votes
_____ received _____ votes

For the nomination of a Democratic candidate for _____, the whole number of votes cast was _____, of which number _____
_____ received _____ votes
_____ received _____ votes
_____ received _____ votes

For the nomination of a Democratic candidate for _____, the whole number
of votes cast was _____, of which number _____
_____ received _____ votes
_____ received _____ votes
_____ received _____ votes

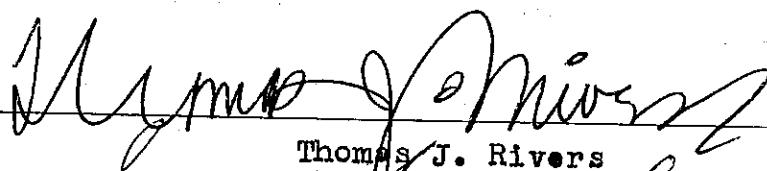
For the nomination of a Democratic candidate for _____, the whole number
of votes cast was _____, of which number _____
_____ received _____ votes
_____ received _____ votes
_____ received _____ votes

For the nomination of a Democratic candidate for _____, the whole number
of votes cast was _____, of which number _____
_____ received _____ votes
_____ received _____ votes
_____ received _____ votes

For the nomination of a Democratic candidate for _____, the whole number
of votes cast was _____, of which number _____
_____ received _____ votes
_____ received _____ votes
_____ received _____ votes

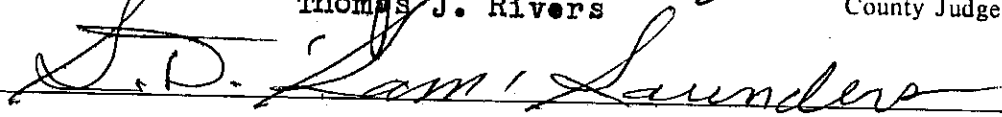
For the nomination of a Democratic candidate for _____, the whole number
of votes cast was _____, of which number _____
_____ received _____ votes
_____ received _____ votes
_____ received _____ votes

For the nomination of a Democratic candidate for _____, the whole number
of votes cast was _____, of which number _____
_____ received _____ votes
_____ received _____ votes
_____ received _____ votes



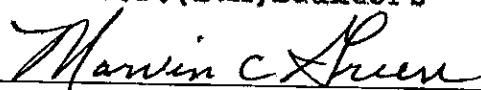
Thomas J. Rivers

County Judge



S.D. (Sam) Saunders

Supervisor of Elections



Marvin C. Green, Member Board of County Commissioners

COUNTY CANVASSING BOARD OF PRIMARY

ELECTIONS CLAY County

**Certificate of the Board of County Canvassers Republican
Primary Election Held on the 7th Day of May, 1968**

STATE OF FLORIDA

CLAY COUNTY

We, the undersigned Thomas J. Rivers, County Judge, S.D. (Sam) Saunders, Supervisor of Elections, and Marvin C. Green, Member of the Board of County Commissioners of said County, constituting the Board of County Canvassers of Primary Elections in and for said County, do hereby certify that we met at the office of the Supervisor of Elections aforesaid, on the 8th day of May, A.D., 1968, and proceeded to publicly canvass the votes given for the Several nominations and the persons hereinafter specified at the Republican Primary Election held in said County on the 7th day of May, A.D., 1968, as shown by the returns on file in the office of such Judge and Supervisor of Elections, respectively, and we do hereby certify solely, exclusively and entirely from said returns that the whole number of votes cast:

For the nomination of a Republican candidate for United States Senator, the whole number of votes cast was 353, of which number
Herman W. Goldner received 96 votes
Edward J. Gurney received 257 votes

For the nomination of a Republican candidate for Representative in Congress _____ Congressional District, the whole number of votes cast was _____, of which number
_____ received _____ votes
_____ received _____ votes
_____ received _____ votes

For the nomination of a Republican candidate for Justice of the Supreme Court, Group 2, the whole number of votes cast was 305, of which number
David L. McCain received 156 votes
Ellis S. Rubin received 149 votes

For the nomination of a Republican candidate for Commissioner, Florida Public Service Commission, the whole number of votes cast was 294, of which number
Martial "Marti" DesRoches received 34 votes
Ray C. Osborne received 260 votes

For the nomination of a Republican candidate for _____, the whole number of votes cast was _____, of which number
_____ received _____ votes
_____ received _____ votes
_____ received _____ votes

For the nomination of a Republican candidate for _____, the whole number of votes cast was _____, of which number
_____ received _____ votes
_____ received _____ votes
_____ received _____ votes

For the nomination of a Republican candidate for _____, the whole number of votes cast was _____, of which number
_____ received _____ votes
_____ received _____ votes
_____ received _____ votes

For the nomination of a Republican candidate for _____, the whole number of votes cast was _____, of which number
_____ received _____ votes
_____ received _____ votes
_____ received _____ votes

of votes cast was _____, the whole number of which number

received _____ votes
received _____ votes
received _____ votes

For the nomination of a Republican candidate for _____, the whole number of votes cast was _____, of which number

received _____ votes
received _____ votes
received _____ votes

For the nomination of a Republican candidate for _____, the whole number of votes cast was _____, of which number

received _____ votes
received _____ votes
received _____ votes

For the nomination of a Republican candidate for _____, the whole number of votes cast was _____, of which number

received _____ votes
received _____ votes
received _____ votes

For the nomination of a Republican candidate for _____, the whole number of votes cast was _____, of which number

received _____ votes
received _____ votes
received _____ votes

For the nomination of a Republican candidate for _____, the whole number of votes cast was _____, of which number

received _____ votes
received _____ votes
received _____ votes

For the nomination of a Republican candidate for _____, the whole number of votes cast was _____, of which number

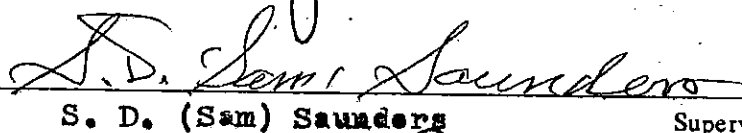
received _____ votes
received _____ votes
received _____ votes

For the nomination of a Republican candidate for _____, the whole number of votes cast was _____, of which number

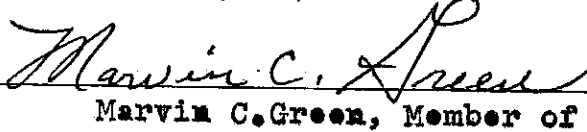
received _____ votes
received _____ votes
received _____ votes


Thomas J. Rivers

County Judge


S. D. (Sam) Saunders

Supervisor of Elections


Marvin C. Green, Member of

Board of County Commissioners

COUNTY CANVASSING BOARD OF PRIMARY

ELECTIONS CLAY County

**Certificate of the Board of County Canvassers Special Election
Held on the Seventh Day of May, 1968**

STATE OF FLORIDA

CLAY COUNTY

We, the undersigned, Thomas J. Rivers County Judge, S.D. (Sam) Saunders Supervisor of Elections, and Marvin C. Green, Member of the Board of County Commissioners of said County, constituting the Board of County Canvassers, do hereby certify that we met at the office of the Supervisor of Elections on the 8 day of May, A.D., 1968, and proceeded to publicly canvass the votes given for and against proposed Amendment to Article XII, Section 2 of the State Constitution and do hereby certify solely and entirely from said returns as follows:

For Amendment to Article XII, Section 2 of the Constitution relating to the election or appointment of Superintendent of Schools

799

votes

Against Amendment to Article XII, Section 2 of the Constitution relating to the election or appointment or Superintendent of Schools

756

votes

Thomas J. Rivers
County Judge

S.D. Sam Saunders
Supervisor of Elections

Marvin C. Green
Member Board of County Commissioners

Clay County

IN THE CIRCUIT COURT OF THE FOURTH
JUDICIAL CIRCUIT, IN AND FOR CLAY COUNTY,
FLORIDA. CASE NO. 68-149.

LUTHER E. (COOTER) WILSON,

Plaintiff,

Vs.

THOMAS J. RIVERS, S. D. SAUNDERS,
MARVIN C. GREEN and HOMER L.
NEWELL,

Defendants.

FINAL JUDGMENT *RK*

Upon consideration of this cause and the evidence developed by the BOARD OF COUNTY CANVASSERS and counsel for the respective parties, showing discrepancies which leave the results of the voting in the democratic primary in the race for County Commissioner, District One, Clay County, Florida indeterminable, so that neither candidate can be declared to have received a majority of the votes cast, and thus be the democratic nominee for said office; and the parties hereto having consented to the provisions of this Order providing for a re-run of this contest in the second primary election to be held May 28, 1968; and the Court being otherwise advised in the premises, it is:
ORDERED AND ADJUDGED AS FOLLOWS:

- KW*
1. That the report of the BOARD OF COUNTY CANVASSERS of Clay County in the primary election held May 7, 1968, in the Board of County Commission, District One race is hereby annulled, and neither candidate shall be deemed to have received a majority of the votes cast in said election.
 2. That the Supervisor of Elections of Clay County, and all other State and County election officials, shall take all necessary and proper actions to include on the second primary ballot the names of HOMER L. NEWELL and LUTHER E. (COOTER) WILSON AS CANDIDATES FOR THE DEMOCRATIC NOMINATION FOR THE OFFICE OF COUNTY COMMISSION, DISTRICT ONE, CLAY COUNTY, FLORIDA.
 3. Jurisdiction of this cause and the parties hereto is reserved for the purpose of entering such further orders as may be necessary to provide for the second primary election herein ordered.

DONE AND ORDERED in open Court at the Clay County Courthouse,
Green Cove Springs, Florida, this 14th day of May, 1968.

Roger J. Waybright
JUDGE

STATE OF FLORIDA NO. _____
COUNTY OF CLAY
THIS INSTRUMENT FILED AND RECORDED 14 DAY
OF May 1968 AT _____ IN
OFFICIAL RECORDS
NO. _____ PAGE _____ RECORD VERIFIED.
GEORGE L. CARLISLE, CLERK OF CIRCUIT COURT
BY William Selmon DEPUTY CLERK

**Certificate of the Board of County Commissioners for the Primary
Election held on the 7th Day of May, 1968**

STATE OF FLORIDA
CLAY COUNTY

I, George L. Carlisle, Clerk of the Circuit Court in and for Clay County, Florida, do hereby certify that the foregoing is a true and correct copy of the Final Judgment

in that certain cause wherein Luther E. (Cooter) Wilson
was Plaintiff and Thomas J. Rivers, et al
was Defendant, lately pending in said court, as the same appears of record in this office, same having been filed
on 14th day of May, 1968 and recorded in Official
Records Book 159, Page 47

Witness my hand and official seal this 14th day of May, A. D. 1968

GEORGE L. CARLISLE

Clerk Circuit Court

By William H. Solon
Deputy Clerk.

STATE OF FLORIDA
CLAY COUNTY

I, George L. Carlisle, Clerk of the Circuit Court in and for Clay County, Florida, do hereby certify that the foregoing is a true and correct copy of the

as the same appears of record in this office, same having been filed
day of _____, 19____ and recorded in _____
Book _____, Page _____

Witness my hand and official seal this _____ day of _____, A. D. 19____

GEORGE L. CARLISLE

Clerk Circuit Court

By _____
Deputy Clerk.

Robert C. Brand	received	Four Hundred & Nine	409	votes
Jess Yarborough	received	Sixteen Hundred & Forty	640	votes