



IN THE SUPREME COURT OF FLORIDA
CASE NO.

PALM BEACH COUNTY CANVASSING BOARD,

Petitioner,

v.

KATHERINE HARRIS, as Secretary of State of the State of Florida,
and ROBERT A. BUTTERWORTH, as Attorney General of the State of Florida,

Respondents.

**BROWARD COUNTY CANVASSING BOARD’S
AND BROWARD COUNTY’S SUPERVISOR OF ELECTIONS’
PETITION FOR EXTRAORDINARY WRIT
(Expedited Consideration Sought)**

**A Petition for Extraordinary Writ Directed to State Officers,
Invoking the Court’s Original Jurisdiction**

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Elections directed to Al Cardenas, Chairman of the
Republican Party of Florida A

November 13, 2000 Opinion DE 00-12 from the Division
of Elections directed to Jane Carroll, Supervisor of
Elections for Broward County B

CERTIFICATE OF FONT SIZE AND STYLE

This Petition is typed using a Times New Roman 14-point font.

JURISDICTION

The Broward County Canvassing Board and Jane Carroll, as Supervisor of Elections for Broward County, adopt the statement of jurisdiction contained in the Petition for Extraordinary Writ filed by the Palm Beach County Canvassing Board.

FACTS

Like the Palm Beach County Canvassing Board, the Broward County Canvassing Board is a three-member body that operates pursuant to Section 102.141, Florida Statutes. Its members are the Honorable Robert Lee; the Supervisor of Elections, Jane Carroll, and County Commissioner Suzanne Gunzburger.

After the November 7, 2000 general election, the Broward County Canvassing Board conducted machine recounts of the votes cast for the candidates for President and Vice President of the United States. The Broward County Canvassing Board also conducted a limited manual recount of one percent of the total votes from three precincts.

The limited manual recount produced a different result from the machine recount, in that Gore/Lieberman received four (4) more votes as a result of the manual recount. As in Palm Beach County, the difference in the result was not due to malfunctions or errors in the hardware or software of the vote counting equipment.

On November 13, 2000, the Division of Elections issued Opinion DE 00-11 directed to Al Cardenas, Chairman of the Republican Party of Florida. A copy of that opinion is attached as Exhibit "A."

On November 13, 2000, the Division of Elections issued Opinion DE 00-12 directed to Jane Carroll, as Supervisor of Elections for Broward County. A copy of that opinion is attached as Exhibit "B." DE 00-12 was received November 14, 2000.

Opinion DE-10, which was issued to the Palm Beach County Canvassing Board, Opinion DE-11, which was issued to Al Cardenas as Chair of the Republican Party of Florida, and Opinion DE-12, which was issued to Jane Carroll as Supervisor of Elections in Broward County, are materially the same and provide the same interpretation of Section 102.166(5), Florida Statutes.

On November 13, 2000, the Broward County Canvassing Board, after completion of a manual recount of votes in three (3) precincts and at least one percent (1%) of the votes in Broward County, voted two to one (2-1) not to continue further with a manual recount of votes in Broward County. In reaching that decision, the

Broward County Canvassing Board considered DE Opinion 00-11 issued November 13, 2000 by the Division of Elections to the Chairman of the Republican Party.

On November 14, 2000, the Attorney General issued an advisory opinion to the Palm Beach County Canvassing Board, AGO-65, which conflicts with the opinions issued by the Division of Elections. After receipt of the conflicting opinion of the Attorney General, the Broward County Canvassing Board granted a motion to reconsider whether to proceed further with a manual recount in the remainder of Broward County. On November 15, 2000, the Broward County Canvassing Board then voted to proceed with a county-wide manual recount.

Like the Palm Beach County Canvassing Board, the Broward County Canvassing Board and Jane Carroll, as Supervisor of Elections, require immediate direction from this Court resolving conflicting opinions issued by the State Division of Elections and the State's Attorney General.

NATURE OF THE RELIEF SOUGHT

The Broward County Canvassing Board is confronted with conflicting opinions from the State's Division of Elections and from the State Attorney General's Office. The Broward County Canvassing Board and Jane Carroll therefore join the Palm Beach County Canvassing Board in seeking a final adjudication by this Court resolving the conflicting legal opinions issued by the Respondents interpreting Section 102.166(5), Florida Statutes, concerning whether a canvassing board may, in the circumstances presented, conduct a manual recount of the votes cast for President and Vice President of the United States.

CONCLUSION

For the foregoing reasons, this Court should accept jurisdiction of the case and resolve the question of which State officer's legal opinion controls the Broward County Canvassing Board.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing has been furnished to: (1) ROBERT BUTTERWORTH, Attorney General, PL-01 The Capitol, Tallahassee, Florida 32399-1050, (2) KATHERINE HARRIS, Secretary of State, The Capitol, Tallahassee, Florida 32399-0250, and (3) BRUCE ROGOW, Esq., BRUCE S. ROGOW, P.A., Broward Financial Center, 500 East Broward Blvd., Ste. 1930, Fort Lauderdale, Florida 33394; ROBERT M. MONTGOMERY, JR., 1016 Clearwater Place, West Palm Beach, Florida 33401; DENISE D. DYTRYCH, Palm Beach County Attorney, JAMES C. MIZE, JR., ANDREW J. MCMAHON, and GORDON SELFRIDGE, Assistant County Attorneys for Palm Beach County, 301 North Olive Avenue, Suite 601, West Palm Beach, Florida 33401 by facsimile and Airborne Express this ____ day of November, 2000.

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