

IN THE
SUPREME COURT OF FLORIDA

CASE NO. SC002346

PALM BEACH COUNTY CANVASSING BOARD,

Petitioner,

vs.

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

Respondents.

**REPLY OF THE PALM BEACH COUNTY
CANVASSING BOARD**

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

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REPLY OF THE PALM BEACH COUNTY
CANVASSING BOARD

This Reply simply seeks to inform the Court that the Palm Beach County Canvassing Board remains poised to follow the Order of this Court resolving the tension between the Opinions of the Secretary of State and the Attorney General.

We also request that the Court consider the consequences of the Secretary of State's decision last night to finally certify the results of the election on Saturday, after the absentee ballots are counted. If the Court agrees with the Attorney General and allows the manual count to continue, the Palm Beach County Canvassing Board will require several additional days to finish that manual count of the ballots. Therefore, if an order is entered favoring the Attorney General's position, it should address the need to extend the certification date.

Finally, we inform the Court that last night at approximately 9:00 p.m., Beverly Pohl, counsel for Theresa LePore, was telephonically informed by a deputy clerk of the United States Court of Appeals for the Eleventh Circuit that the Court has entered an order setting a response time to Appellants' Emergency Motion for an Injunction Pending Appeal in *Siegel v. LePore*, U.S. 11th Cir. No. 00-15981, the emergency *en banc* appeal from Judge Middlebrooks' November 13, 2000 Order Denying

Preliminary Injunction. The Order was received at 11:21 this morning, ordering responses by Appellees by 7:00 a.m. on November 17, 2000. Thus, it may be that the Eleventh Circuit Court of Appeals will take no *en banc* action on the two cases – *Touchston v. McDermott*, 11th Cir. No. 00-15985, and *Siegel v. LePore*, 11th Cir. No. 00-15981 – until sometime after 7:00 a.m. on Friday, November 17, 2000.

CONCLUSION

As requested in the Petition, this Court should accept jurisdiction of the case and answer the legal question presented.

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, FL 32399-1050 (fax 850-410-2672), (2) KATHERINE HARRIS, SECRETARY OF STATE, THE CAPITOL, TALLAHASSEE, FL 32399-0250 (fax 850 487-2214), (3) BARRY RICHARD, Greenberg Traurig, P.A., 101 E. College Ave., P.O. Drawer 1838, Tallahassee, FL 32302 (fax 850-681-0207) (Counsel for George W. Bush), (4) MITCHELL W. BERGER, Berger Davis & Singerman, 350 E. Las Olas Boulevard, Suite 1000, Fort Lauderdale, FL 33301 (fax 954-523-2872) (Counsel for Albert A. Gore and the Florida Democratic Executive Committee), and (5) SAMUEL S. GOREN, MICHAEL D. CIRULLO, Josias, Goren, Cherof, Doody & Ezrol, P.A., 3099 E. Commercial Blvd., Ste. 200, Ft. Lauderdale, FL 33308 (Counsel for Broward County Canvassing Board and Broward County Supervisor of Elections) (fax 954-771-4923) by fax and U.S. Mail this 16th day of November, 2000.

BEVERLY A. POHL

