

the State's chief elections officer pursuant to section 97.012, Florida Statutes, is not affiliated with any “side.” Similarly, the Elections Canvassing Commission is the governmental entity created by section 102.11, Florida Statutes, that is charged with certifying election results and determining who has been elected to particular offices.

2. Respondents, who are charged with applying the state elections laws, should not be placed in a position of selecting a “side” and having to seek an allocation of time from that side.

3. Because Respondents are the original “defendants” in the consolidated cases before this Court, and because many of the other parties are intervenors, Respondents believe they would be justified in asking for half of the allotted time for oral argument. Nonetheless, recognizing the number of parties now involved in these cases, Respondents¹ propose that the 120 minutes allocated for oral argument be divided into three equal segments. Vice President Al Gore and those parties affiliated with his efforts would receive one-third of the time; Governor George W. Bush and those parties affiliated with his efforts would

¹ Respondents note that Respondent/Appellee Bob Butterworth has filed a Motion to Realign Parties in Case No. SC00-2346. Respondents have no objection to his request to be aligned with Petitioners/Appellants.

receive one-third of the time; and Respondents would receive one-third of the time. The parties in each group would apportion time among themselves.

4. Respondents also request that they be permitted to argue after the other Respondents/Appellees and immediately prior to rebuttal argument by the Petitioners/Appellants.

5. Respondents sent a letter setting forth this proposal to all of the parties in these cases on November 18, 2000. The first page of each letter delivered to the parties is attached as Appendix A. Two parties, the Florida Democratic Party and Vice President Al Gore, objected to the proposal. A copy of the letter from counsel for these parties to counsel for Respondents is attached as Exhibit B.

WHEREFORE, Respondents respectfully request that this Court grant Respondents' request to modify its Order Accepting Jurisdiction, Setting Oral

Argument and Accepting Briefing Schedule as proposed above.

Respectfully submitted this 19th day of November, 2000.

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