

IN THE SUPREME COURT OF FLORIDA

Case No. SC00-2373

ANDRE FLADELL, et al.,

Plaintiffs-Appellants,

vs.

PALM BEACH COUNTY CANVASSING BOARD, et al.,

Defendants-Appellees

ON APPEAL FROM THE CIRCUIT COURT OF THE FIFTEENTH
JUDICIAL CIRCUIT
PALM BEACH COUNTY, FLORIDA
CIVIL DIVISION

DCA Case No. SC00-4145

DCA Case No. 4D00-4146

Circuit Court Case Nos. CL 00-10965 AB; CL 00-10970; CL
00-10988 AB; CL 00-11000 AB

DCA Case No. 4D00-4153

Circuit Court Case No. CL 00-10922 AB

MOTION OF PEOPLE FOR THE AMERICAN WAY FOR RECONSIDERATION
OF ORDER PRECLUDING AMICUS CURIAE FILINGS AND FOR LEAVE
TO FILE BRIEF AMICUS CURIAE IN SUPPORT OF APPELLANTS

People For the American Way, by counsel,
respectfully moves this Court for reconsideration of
today's Order precluding amicus curiae filings in this
case and moves pursuant to Rule 9.370 of the Florida

Rules of Appellate Procedure for leave to file the brief amicus curiae appended hereto on behalf of the appellants in this action. PFAW respectfully submits that, in a case of this enormous public importance that involves not only the rights of the parties themselves but also of other voters, a blanket order precluding the filing of all amicus curiae briefs is unwarranted. Moreover, given the one-day briefing schedule set by the Court in this case late yesterday following the certification of this case to the Court yesterday by the court of appeals, PFAW, as a prospective amicus, had already expended substantial time and resources to prepare the brief appended hereto in order to meet the Court's filing deadline of 5:00 p.m. today. PFAW only learned of today's Order precluding the filing of all amicus briefs after the appended brief had been completed. PFAW respectfully submits that given the totality of these circumstances, this Court should reconsider its Order prohibiting amicus filings in this case.

As more fully set forth in the brief appended hereto, People For the American Way (PFAW) is a nationwide, nonpartisan citizens' organization established in 1980 to promote and protect civil and constitutional rights and civic participation, including

the right to vote. PFAW now has more than 300,000 members nationwide, including over 24,000 members in Florida and more than 600 in Palm Beach County. PFAW has been involved in efforts in Florida and nationwide to enhance and protect the right to vote and citizen participation.

PFAW seeks leave to file a brief amicus curiae in order to help vindicate the legal rights of its members in Palm Beach County and other County voters, and to call particular attention to the lower court's failure to consider not only the merits of this action but also any appropriate relief beyond a re-vote to remedy the disenfranchisement of County voters. Since the November 7 election, numerous Palm Beach County PFAW members and other County voters have contacted PFAW about the County ballot form that is the subject of this litigation. This includes voters who were told by poll workers to punch the wrong hole on the confusing ballot form, those who felt they had made a mistake and requested replacement ballots only to be denied such ballots by poll workers, Holocaust survivors and African-Americans whose votes were mistakenly recorded for Pat Buchanan, and many other County residents who feel victimized by the illegal ballot form. PFAW's Palm Beach County members and other County voters are particularly concerned that the court below not only failed to consider the merits of this case, but also that the court below precluded any relief whatsoever for the plaintiffs and the other voters of Palm Beach County, such as a declaratory judgment that the form of the ballot was illegal and appropriate injunctive relief. PFAW's brief specifically addresses these important issues and urges this Court to hear this case immediately and to order that it be considered promptly on the merits.

WHEREFORE, for the reasons set forth herein, People For the American Way respectfully requests that this Court grant this Motion and permit the filing of the appended Brief Amicus Curiae of People For the American Way on Behalf of the Appellants.

Respectfully submitted,

Elliot M. Mincberg
Judith E. Schaeffer
People For the American Way
2000 M Street, NW
Suite 400
Washington, DC 20036
202-467-2999 (phone)
202-293-2672 (fax)

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Alan G. Greer
Fla. Bar No. 123294
Richman, Greer, Weil,
Brumbaugh, Mirabito &
Christiansen, P.A.
10th Floor
Miami Center
201 S. Biscayne Blvd.
Miami, Florida 33131
305-373-4010 (phone)
305-373-4099 (fax)
Counsel for Amicus