

IN THE SUPREME COURT OF FLORIDA  
SC Case No. 00-2431  
Lower Tribunal No. 1D00-4745  
CV00-2808

ALBERT GORE, et. al.,

Petitioner/Appellant,

vs.

KATHERINE HARRIS, etc., et. al.

Respondents/Appellees

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**BUTLER’S NOTICE OF SUPPLEMENTAL AUTHORITY**

Intervenor, Matt Butler, files this Notice of Supplemental Authority, and states:

1. This Court heard argument this morning. As a result of time restrictions, counsel for Intervenors did not present argument.

2. One issue raised by the Court was the remedy available under Section 102.168, Florida Statutes. The Court asked whether it would or should be appropriate to require statewide remedies when there is a statewide problem like undervotes caused by “Votamatics.”

3. Counsel for Appellant claimed that only votes in “contested counties” should be counted because Gov. Bush could have contested the election also.

4. Section 102.168(1), Florida Statutes provides only that the “unsuccessful candidate” may contest an election. Likewise, the language allowing electors and taxpayers appears to be tied to the “unsuccessful candidate” language, and would prevent a separate contest. Gov. Bush is not the “unsuccessful candidate.” (If the contest provision may be requested county by county, then Vice President Gore’s choice of the south Florida counties was improper because he was not “unsuccessful” in those counties.)

5. It appears from the statute that the only remedy available to Gov. Bush any voter or taxpayer who voted for him is that the court recognize, as did Judge Sauls, that the proof must be proffered on a statewide basis, and that if a remedy is appropriate, that it be statewide. This was requested below by motion.

6. Finally, Appellants’ claim that Florida case law supports reviewing only the “contested” ballots is misleading. The cases cited did look only at the “contested ballots,” but there was no claim that those ballots did not represent the entire alleged problem. Here, there is an entire set of ballots that are alleged to have not been properly counted, but Appellants only ask that a few of them be counted. This is not supported by any case authority.

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that true and correct copy of the foregoing has been provided by U.S. Mail this 7<sup>th</sup> day of December, 2000, to the attached service list, and/or hand delivered or faxed to those marked as such on the service list.

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