

FILED
THOMAS D. HALL

IN THE SUPREME COURT OF FLORIDA DEC 04 2000
CASE NOS.: SC00-2346, SC00-2348 & SC00-2349

CLERK, SUPREME COURT
BY _____

**PALM BEACH COUNTY
CANVASSING BOARD**

vs. **KATHERINE HARRIS, ET
AL.**

**VOLUSIA COUNTY
CANVASSING BOARD**

vs. **MICHAEL MCDERMOTT,
ET AL.**

FLORIDA DEMOCRATIC PARTY

vs. **MICHAEL MCDERMOTT,
ET AL.**

ON REMAND FROM THE SUPREME COURT
OF THE UNITED STATES

**MOTION OF THE FLORIDA LEGISLATURE
TO PARTICIPATE AS AMICUS CURIAE AND TO
FILE A BRIEF**

THE FLORIDA LEGISLATURE, by and through its undersigned counsel,
and pursuant to Rule 9.370, Florida Rules of Appellate Procedure, hereby requests
that this Court enter an Order permitting it to participate as an amicus curiae in the
above-captioned matter and to provide for the opportunity for the Florida
Legislature to file a brief on its own interest. In support thereof, the Florida
Legislature would show the following reasons:

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MARSHAL'S OFFICE
DATE 12-4-00
TIME 6:40 P.M.
INITIALS JM

1. Pursuant to Art. III, § 3, Fla. Const., the two houses of the Florida Legislature were prohibited from organizing and electing their respective presiding officers prior to November 21, 2000;

2. Under rules adopted by the each house of the Legislature, pursuant to Art. III, § 4, Fla. Const., counsel may not appear on behalf of a house of the Legislature except as directed by the presiding officer of such house;

3. Because of the emergency nature of the original appeal, this Court scheduled briefing and argument prior to the date on which the Legislature could organize. This conflict between the need for quick action by the Court and the limitation on the Legislature's ability to participate in the original action deprived the Court of the opportunity to be advised as to the Legislature's interest in:

Preservation of the Legislature's plenary powers under Article II, Section 1 of the Constitution of the United States in selecting the Manner by which electors for President and Vice President of the United States shall be determined;

Assuring that any appointment of electors be done in a manner which will require the Congress of the United States to accept such appointment as conclusive under Title 3, Section 5 of the United State Code;

The correct application of laws enacted by the Florida Legislature pursuant to its powers under the Constitution of the United States and the Florida Constitution;

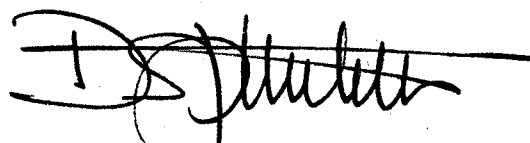
4. The Florida Legislature filed a brief as an amicus curiae in the appeal of this matter before the United States Supreme Court, asserting a position in support of neither of the parties in this matter;

5. The presiding officer of each house, pursuant to its rules, has authorized the undersigned counsel to file this motion and, with the assistance of additional counsel, to represent the interests of the Legislature in this matter.

Respectfully submitted:



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CERTIFICATE OF SERVICE

I certify that a copy hereof has been furnished by U.S. Mail this 4th day of December, 2000, to:

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