

IN THE SUPREME COURT OF FLORIDA
CASE NO. SC002376

JULIUS AND LILIAN KATZ, et al.
both individually and on behalf
of others similarly situated electors in
Palm Beach County, Florida

v. THE ELECTIONS CANVASSING
COMMISSION OF THE STATE
OF FLORIDA, et al.

Respondents/Appellees

Petitioners/Appellants

4th DCA CASE NOS. 4D00-4187

FROM THE CIRCUIT COURT, FIFTEENTH JUDICIAL CIRCUIT
IN AND FOR PALM BEACH COUNTY, FLORIDA
CASE NO. CL 00-11302 AV

PETITIONERS NOTICE OF SUPPLEMENTAL AUTHORITIES

COMES NOW the Petitioners, through undersigned counsel, and provides
this Notice of Supplemental Authorities for the Court's Consideration in support
of its Petition, pursuant to Article V, section (3)(b)(5), Florida Constitution:

CONSTITUTIONAL PROVISIONS

1. Equal Protection Clause, Fourteenth Amendment, United States Constitution (relevant to the issue of whether or not the Palm Beach voters were treated unequally in relation to other voters inside or outside of Florida, due to the illegal "butterfly" ballot). Petitioners encourage the Court to apply this authority to its consideration of whether the ballot infringed upon the constitutional right to vote. Petitioners have already argued that the ballot is "illegal" as the gravamen of its claim for relief. SEE Brief, at p. fourteen (14).

STATUTORY PROVISIONS

1. 101.151(3)(B) *Fla. Stat.*, requiring that the ballot specifically state "Vote for One" under the headings of each office. The ballot in this instance said "Vote for Group". Other sections of this statute are already cited and the Ballot is attached as Exhibit One (1) to the Brief. SEE Brief, at pages 12, 13 and 15: and reference to Exhibit at page four (4).

CASELAW

1. Hammond v. Hicckel, 588 P.2d 256 (Alaska, 1978)(wherein the Court decided that, with respect to disputed ballots, it may choose between scheduling a special election, or making a proportional adjustment of the vote totals). See *also* Ippolito v. Power, 241 N.E.2d 232 (N.Y., 1968)(wherein the court ordered a new election where there were “suspect” votes and a very narrow margin of victory of 17 votes out of thousands cast). These cites are relevant to the remedy sought. In this instance, the Petitioners seek a revote but, a statistical apportionment of disregarded votes in proportion to the total votes cast is also possible under section 120.168 (8), *Fla. Stat.* SEE Brief, at page eighteen (18).
2. Curry v. Baker, 802 F.2d 1302, 1318 (11th Cir.1986) (wherein the Court employed statistical analysis and testimony to evaluate how to remedy election results properly protested).

The Petitioners request that these authorities be relied upon along with its Brief.

Respectfully Submitted:

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing Motion was sent via fax to each of the Defendants, or any counsel of record, on the Amended Service List attached to the original of this Notice this 30th day of November, 2000.

Michelle G. Trca, Esq.
Florida Bar No. 0009857