

IN THE SUPREME COURT OF FLORIDA

ANDRE FLADELL, ALBERTA  
MCCARTHY, et al.  
Appellant / Petitioner(s),

v.

PALM BEACH COUNTY  
CANVASSING BOARD, et al.  
Appellee / Respondent(s).

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Case No. SC00-2373

4th DCA Case Nos.:  
4D00-4145  
4D00-4146  
4D00-4153

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**NOTICE OF WAIVER OF FILING BRIEF ON THE MERITS BY  
APPELLEES, PALM BEACH COUNTY CANVASSING BOARD,  
and Supervisor of Elections, THERESA LEPORE**

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**NOTICE OF WAIVER OF FILING BRIEF ON THE MERITS**

Appellees, Theresa LePore, Supervisor of Elections for Palm Beach County, and the Palm Beach County Canvassing Board hereby file this Notice of Waiver of Filing Brief on the Merits.

This Notice is being filed pursuant to an Order of this Court dated November 27, 2000 ordering parties to file briefs on all issues in the above styled matter no later than November 28, 2000 at 5:00 p.m. The Fourth District Court of Appeal granted Appellants' request to certify the order of the Fifteenth Judicial Circuit Court for Palm Beach County as being one of great public importance requiring immediate resolution by this Court.

Appellants originally filed this action seeking to compel a new election in Palm Beach County for the Presidency and Vice Presidency of the United States of America. The issue on appeal will likely concern whether the trial court erred in ruling that it is not legally possible to have a new election for Presidential electors in Florida. As set forth in chapter 102, Florida Statutes, the Palm Beach County Canvassing Board's responsibilities are generally limited to canvassing returns, considering and administering protest of election returns, and certifying election

results. The Board's statutorily limited reach in no way extends to the question of calling a new election for President. The Board accordingly takes no position on whether the trial court ruled correctly. Similarly, the Supervisor of Elections is charged generally with the administration of elections, *see generally ch. 98, Florida Statutes*, and has no position on whether the law allows for a new election for President.

For the reasons stated above, Appellees Palm Beach County Canvassing Board and Supervisor of Elections Theresa LePore take no position on the legal conclusions set forth in the order that is the subject of this appeal and therefore file this Notice of Waiver of Filing Brief on the Merits.

Respectfully Submitted,

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**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the foregoing was furnished by Facsimile  
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