

FILED
THOMAS D. HALL
NOV 15 2000
CLERK, SUPREME COURT
BY _____

IN THE SUPREME COURT
OF FLORIDA

PALM BEACH COUNTY
CANVASSING BOARD,

CASE NO. SC002346

Petitioner,

vs.

HARRIS, etc. et al.,

Respondents.

**PETITIONER'S NOTICE OF AMENDED
FACTUAL ALLEGATION**

Petitioner Palm Beach County Canvassing Board alleged in its Petition, filed yesterday, that it intended to "resume the recount on November 15, 2000, while seeking a judicial determination" of the issues presented. (Petition, p. 7). This morning, the Board voted again and changed its position, voting to suspend the manual recount pending this Court's decision. Because that is a substantial change in the factual statement presented in the Motion, we submit this Notice to keep the Court fully informed.

In addition, we supplement footnote 1 of the Petition with this information. The United States Court of Appeals for the Eleventh Circuit has a case pending, *Touchstone v. McDermott*, 11th Cir. No. 00-15985, which also presents the issue of whether the Palm Beach County manual recount should be enjoined. That Court has granted *en banc* consideration, requested responses to an Emergency Motion for Injunction Pending Appeal and to Expedite by 7:00 a.m. November 16, 2000,

and, it is reported, that an order scheduling a hearing date and time is forthcoming.

Respectfully submitted,

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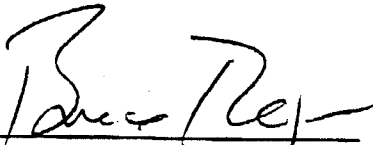
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished to
(1) ROBERT BUTTERWORTH, ATTORNEY GENERAL, PL-01 THE CAPITOL,
TALLAHASSEE, FL 32399-1050 (fax 850-410-2672), and (2) KATHERINE HARRIS,
SECRETARY OF STATE, THE CAPITOL, TALLAHASSEE, FL 32399-0250 (fax 850 487-2214),
by FedEx this 15th day of November, 2000.



BRUCE ROGOW