

IN THE  
SUPREME COURT OF FLORIDA

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CASE NO. SC 00-2346

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PALM BEACH COUNTY CANVASSING BOARD,

Petitioner,

vs.

KATHERINE HARRIS, as Secretary of State, State of Florida,  
and ROBERT A. BUTTERWORTH, as Attorney General of the State of Florida,  
State of Florida,

Respondents,

ALBERT A. GORE  
and the FLORIDA DEMOCRATIC EXECUTIVE COMMITTEE,

Intervenors.

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MOTION OF ALBERT A. GORE AND THE  
FLORIDA DEMOCRATIC EXECUTIVE COMMITTEE TO INTERVENE

Albert A. Gore, Presidential Nominee of the Florida Democratic Executive Committee and the Florida Democratic Party, move, pursuant to Florida Rule of Procedure 9.300, to intervene in this proceeding. In support of this Motion, Movants show:

1. This is an original proceeding under the original jurisdiction of the Florida Supreme Court, Article V, Section 3(h)(7), Florida Constitution,

and Florida Rule of Appellate Procedure 9.100. Petitioner seeks a final adjudication of whether the Palm Beach County Canvassing Board may conduct a manual recount of votes cast for President and Vice President pursuant to Section 102.166, Florida Statutes (2000).

2. At this time the Secretary of State reports that Republican Party Presidential Candidate George W. Bush leads Democratic Party Presidential Candidate Al Gore in Florida by 300 votes. The recount of ballots in Palm beach County by Petitioner will affect that difference. At this point it appears that the candidate who wins Florida's electoral college votes will become the next President of the United States. These facts give Albert Gore and the Florida Democratic Party a real and substantial interest in the outcome of this proceeding.

3. Since this is an original proceeding, analogous to a circuit court declaratory statement proceeding, the standard for permitting intervention should be the same as in those proceedings. If a party has a direct interest and will gain or lose by effect of the decision it should be granted leave to intervene. Intervention should be liberally granted.

*Heatherwood Community Homeowners Assoc., Inc. v. Florida Rock Industries, Inc.*, 629 So. 2d 928 (Fla. 5<sup>th</sup> DCA 1993); *Grimes v. Walton*

*County*, 591 So 2d 1091 (Fla. 1<sup>st</sup> DCA, 1992). See also, *Florida Department of Business and Professional Regulation v Investment Corp. of Palm Beach*, 747 So. 2d 374 (Fla. 1999). Your movants will gain or lose by the decision in this case. It will determine whether the manual recount of ballots in Palm Beach continues. That recount will determine the number of votes cast for Albert Gore, Presidential candidate of the Florida Democratic Party.

4. This intervention will not delay this proceeding.

WHEREFORE, Albert A. Gore, Nominee of the Democratic Party for President of the United States and the Florida Democratic Executive Committee move this Court to grant them leave to intervene with full party status in this proceeding.

Respectfully submitted this \_\_\_\_\_ day of November, 2000.

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**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that an original of foregoing has been furnished by hand delivery to Deborah Kearney, General Counsel, Florida Department of State, 400 South Monroe Street, PL 02, Tallahassee, Florida 32399 and Barry Richard, Greenberg Traurig, 101 East College Avenue, Tallahassee, Florida 32302; and by facsimile to Bruce Rogow, Bruce S. Rogow, P.A., 500 East Broward Blvd., Suite 1930, Fort Lauderdale, Florida 33394, Joseph P. Klock, Jr. and Donna E. Blanton, Steel Hector & Davis, 215 South Monroe Street, Suite 601, Tallahassee, Florida 32301-1804 and Robert A. Butterworth, Office of the Attorney General, Plaza Level 1, The Capitol, Tallahassee, Florida 32399-1050, on this \_\_\_\_\_ day of November, 2000.

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Attorney