

IN THE SUPREME COURT OF THE STATE OF FLORIDA

American Federation of Labor and
Congress of Industrial Organizations, *et al*,

Plaintiffs-Appellants,

v.

Case No. SC04-1921

GLEND A E. HOOD, in her official capacity
as Secretary of State of the State of Florida, *et al.*,

Defendants-Appellees.

MOTION FOR LEAVE OF THE AMERICAN CIVIL LIBERTIES UNION
(ACLU), THE ACLU OF FLORIDA, PEOPLE FOR THE AMERICAN
WAY FOUNDATION, AND THE ADVANCEMENT PROJECT TO FILE
BRIEF *AMICI CURIAE* IN SUPPORT OF PLAINTIFFS-APPELLANTS

Pursuant to Fla. R. App. P. 9.370, the following organizations move this
Court for leave to file a brief *amici curiae* in support of Plaintiffs-Appellants in
the above captioned matter: the American Civil Liberties Union (ACLU), the
ACLU of Florida, People for the American Way Foundation, and the
Advancement Project. In support of this motion, proposed *amici* state the
following:

1. The proposed *amici* are civil rights organizations which have long
been active in promoting voting rights. They were all involved in post 2000
election reform issues and have been actively involved in election matters leading

up to the November 2004 elections. All of the organizations are committed to the principles that every registered voter who shows up at the polls must be permitted to cast a vote and to have that vote counted. A full description of each of the organizations is set forth in the accompanying brief.

2. At issue in this litigation is whether the state's provisional balloting statute infringes upon the constitutional right to vote by rejecting ballots cast by otherwise duly registered and qualified voters who, for whatever reason, cast a provisional ballot in the wrong election precinct. Because of *amici's* non-partisan election issue involvement, the resolution of this issue is of particular interest to *amici*.

3. *Amici's* extensive voting rights experience, and their experience in dealing with Florida election issues will assist the Court in the disposition of the case by bringing matters of importance to the Court's attention.

Wherefore, proposed *amici* move this Court for an order permitting their brief to be filed.

Respectfully Submitted,

NEIL BRADLEY*
American Civil Liberties Union
Foundation, Inc.
2725 Harris Tower
233 Peachtree Street
Atlanta, GA 30303
(404) 523-2721

RANDALL C. MARSHALL
Florida Bar No.: 018176
American Civil Liberties Union
Foundation of Florida, Inc.
4500 Biscayne Boulevard Suite 340
Miami, Florida 33137-4129
(305) 576-2337

* *Pro Hac Vice* motion pending

REGINALD J. MITCHELL, SR.
Florida Bar No.: 621293
People For the American Way Foundation
1550 Melvin Street
Tallahassee, FL 32301
(850) 877-0307

LARRY HELM SPALDING
Florida Bar No.: 125540
American Civil Liberties Union
Foundation of Florida, Inc.
314 West Jefferson Street
Tallahassee, FL 32301
(850) 425-1050

ADRIANA YSERN
Florida Bar No.: 0521132
Advancement Project
1730 M St, NW Suite 910
Washington, DC 20036
(202) 728-9557

Counsel for *Amici Curiae*

CERTIFICATE OF SERVICE

I certify that a true and accurate copy of this motion has been sent by U.S. mail on October 8, 2004, to the following counsel of record:

Ben R. Patterson
Jerry G. Traynham
Patterson & Traynham
Post Office Box 4289
315 Beard Street
Tallahassee, FL 32315-4289

Stephen P. Berzon
Jonathan Weissglass
Linda Lye
Danielle E. Leonard
Altshuler, Berzon, Nussbaum,
Rubin & Demain
177 Post Street, Suite 300
San Francisco, CA 94108

Alma Gonzalez
Florida Public Employees Council 79
3064 Highland Oaks Terrace
Tallahassee, FL 32301

Attorney for Plaintiff-Appellant
Florida Public Employees Council 79

Jill Hanson
400 Executive Center Drive
Suite 207
West Palm Beach, Florida 33401

Attorney for Plaintiff-Appellant AFL-
CIO

Jonathan P. Hiatt
Laurence E. Gold
AFL-CIO
815 Sixteenth Street, N.W.
Washington, D.C. 20006

Attorneys for Plaintiff-Appellant
AFL-CIO

Judith A. Scott
John J. Sullivan
SEIU
1313 L Street, N.W.
Washington, D.C. 20005

Attorneys for Plaintiffs-Appellants
SEIU and SEIU 1199Florida

George L. Waas, Special Counsel
Jon Glogau, Asst. Attorney General
Office of Attorney General
The Capitol PL-01
Tallahassee, FL 32399-1050

Attorney for Glenda E. Hood,
Secretary of State

Ion V. Sancho, Supervisor of
Elections
301 South Monroe Street, Suite 301
Tallahassee FL 32301

Herbert W.A. Thiele, Esquire
Patrick T. Kinni, Esquire
Leon County Attorneys
301 South Monroe Street, Suite 202
Tallahassee, FL. 32301

Attorneys for Jane G. Sauls, Leon
County Commissioner

Honorable Augustus D. Aikens
Leon County Courthouse
301 South Monroe Street
Tallahassee, Florida 32301

D. Andrew Byrne, Esquire
Cooper, Byrne, Blue & Schwartz,
PLLC
3520 Thomasville Road, Suite 200
Tallahassee, Florida 32309

Attorney for Celcia Rush

Ronald A. Labasky, Esquire
Landers & Parsons, P.A.
310 W. College Avenue
Tallahassee, Florida 32301

Attorney for Bill Cowles and the
Florida State Assoc. of Supervisors of
Elections

Randall C. Marshall