

IN THE CIRCUIT COURT OF THE
 SECOND JUDICIAL CIRCUIT IN
 AND FOR LEON COUNTY, FLORIDA

Steven Medina, 322 Yacht Club Drive)
 Fort Walton Beach, Fla. 32548)
 Daniel H. Donaldson, 1648 Seminole Road)
 Jacksonville, Fla. 32205)
 Bob Nied, 2348 Smullian Trail North)
 Jacksonville, Fla. 32217)
 Brian Vonn, 512 11th Avenue, South)
 Jacksonville Beach, Fla. 32250)
 Cheryl Vonn, 512 11th Avenue, South)
 Jacksonville Beach, Fla. 32250)
 Dave Jantz, 12770 Wilderness Lane East)
 Jacksonville, Fla. 32217)
 Jennifer Durr, 1367 Elm Bank Way)
 Royal Palm Beach, Fla. 33411,)

CASE NO. 00-2875



FILED
 00 DEC -6 PM 4:55
 DAVE LANG
 CLERK, CIRCUIT COURT
 LEON COUNTY, FLORIDA

Plaintiffs,

v.

State of Florida Election Canvassing
 Commission, Katherine Harris, the
 Secretary of State of Florida, George W.
 Bush and Richard Cheney,

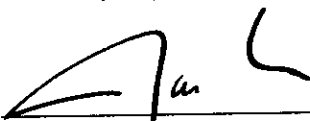
Defendants.

**DEFENDANT'S NOTICE OF FILING NOTICE OF REMOVAL
 TO UNITED STATES DISTRICT COURT**

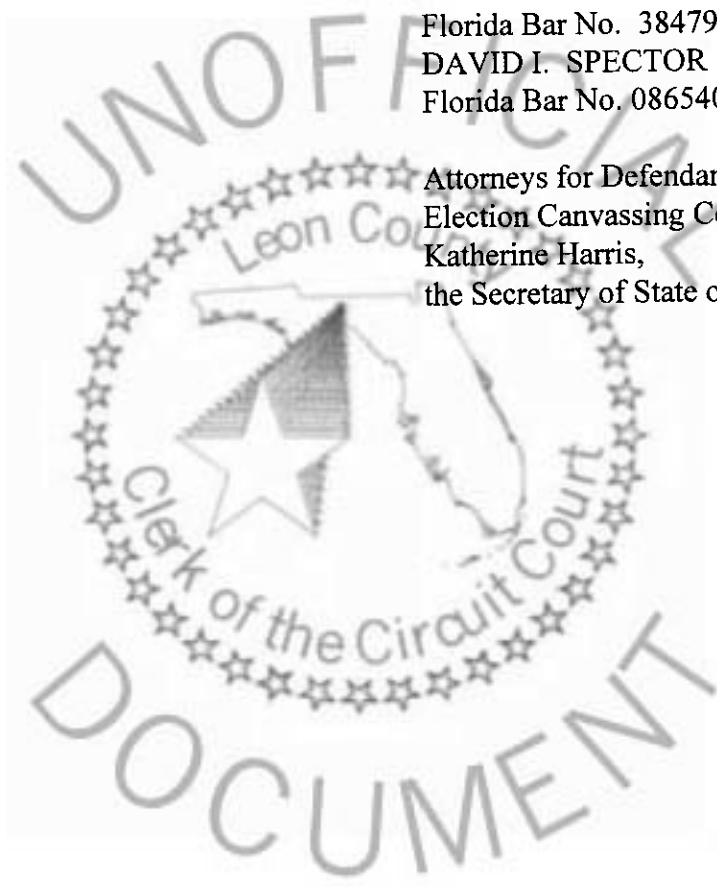
PLEASE TAKE NOTICE that on the 6th day of December, 2000, Defendants, STATE
 OF FLORIDA ELECTION CANVASSING COMMISSION, AND KATHERINE HARRIS,
 THE SECRETARY OF STATE OF FLORIDA, filed with the Clerk of the Second Judicial

Circuit in and for Leon County, Florida, a true and correct copy of the Notice of Removal, which was filed in the United States District Court for the Northern District of Florida, Tallahassee Division. A copy of said Notice of Removal is attached hereto as Exhibit "A".

STEEL HECTOR & DAVIS LLP
1900 Phillips Point West
777 South Flagler Drive
West Palm Beach, FL 33401-6198
Telephone: (561) 650-7200
Facsimile: (561) 655-1509

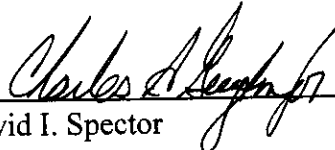
By: 
JOSEPH P. KLOCK, JR.
Florida Bar No. 156678
JOHN W. LITTLE III
Florida Bar No. 384798
DAVID I. SPECTOR
Florida Bar No. 086540

Attorneys for Defendants State of Florida
Election Canvassing Commission, and
Katherine Harris,
the Secretary of State of Florida



CERTIFICATE OF SERVICE

I hereby certify that I have served a copy of the above Notice of Removal upon Steven Seliger, Armando Garcia, 16 North Adams Street, Quincy, FL 32351; Bruce Terris, Terris, Pravlik & Millian, LLP, 11231 12th Street, N.W., Washington, D.C. 20005-4632; and Dick Cheney, Governor George W. Bush, P.O. Box 1902, Austin, TX 78767, by U.S. Mail, on this 6th day of December, 2000.



David I. Spector

WPB_1998/361819-1



IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF FLORIDA
TALLAHASSEE DIVISION

Steven Medina, 322 Yacht Club Drive)
Fort Walton Beach, Fla. 32548)

CASE NO. _____

Daniel H. Donaldson, 1648 Seminole Road)
Jacksonville, Fla. 32205)

Bob Nied, 2348 Smullian Trail North)
Jacksonville, Fla. 32217)

Brian Vonn, 512 11th Avenue, South)
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Dave Jantz, 12770 Wilderness Lane East)
Jacksonville, Fla. 32217)

Jennifer Durr, 1367 Elm Bank Way)
Royal Palm Beach, Fla. 33411,)

Plaintiffs,)

v.)

State of Florida Election Canvassing)
Commission, Katherine Harris, the)
Secretary of State of Florida, George W.)
Bush and Richard Cheney,)

Defendants.)

DEFENDANTS' NOTICE OF REMOVAL

TO: THE JUDGES OF THE UNITED STATES DISTRICT COURT FOR THE NORTHERN
DISTRICT OF FLORIDA

Defendants hereby give notice that the action styled Steven Medina, et al v. State of
Florida Election Canvassing Commission, et al, Case No.: 00-2875, in the Circuit Court of the

Second Judicial Circuit, in and for Leon County, Florida, has been removed to the United States District Court for the Northern District of Florida.

The Grounds for Removal

This Court has original jurisdiction of this action under federal question jurisdiction pursuant to 28 U.S.C. §§ 1331, 1441(a), 1441(b) and 1446. The action may be removed to this Court pursuant to 28 U.S.C. §§ 1441(a), 1441(b) and 1446 for the following reasons:

Federal Question Jurisdiction

1. On December 5, 1999, Plaintiffs filed suit against Defendants in the Circuit Court of the Second Judicial Circuit, in and for Leon County, Florida, styled Steven Medina, et al v. State of Florida Election Canvassing Commission, et al, Case No.: 00-2875. This Notice of Removal is filed within the time allowed under 28 U.S.C. § 1446(b) as thirty days have not yet expired since the above-referenced Defendants were first served with a copy of the complaint and summons.
2. In accordance with 28 U.S.C. § 1446(a), all of the process and pleadings served upon Defendants Commission and Defendant Secretary in this action to date are attached to this notice as composite Exhibit A.
3. This action is a civil suit alleging that Section 1S-2.013 of the Florida Administrative Code is in conflict with Section 101.6103(5) and (6), 101.65 and 101.67 of the Florida Statutes. Sections 1S-2.013 of the Florida Administrative Code, formerly known as Florida Administrative Code Rule 1C-7.13, was promulgated pursuant to an order issued in USA v. State of Florida, Case No. TCA 80-1055-WS on August 20, 1984. This order was the result of a consent decree entered into between the United States of America and the State of Florida

pertaining to the application of the federal Overseas Citizens Voting Rights Act, 42 USC §§ 1973dd, et seq. and the Federal Voting Assistance Act, 42 USC § 1973cc(b).

4. Pursuant to 28 U.S.C. § 1441(b), "Any civil action of which the district courts have original jurisdiction, founded on a claim or right arising under the Constitution, treaties or law of the United States shall be removable without regard to the citizenship or residence of the parties." The Overseas Voting Citizens Rights Act is a law of the United States enacted by Congress with the intention of providing a uniform method of absentee voting for all American citizens registered to vote but living overseas. As provided by 42 USC 1973ff-4, the United States district courts have original jurisdiction of all claims that arise under this federal law. Pursuant to 28 USC § 1441(a) "[a]ny civil action brought in a state court of which the district courts of the United States have original jurisdiction, may be removed by the defendant."

Compliance With Removal Procedure

5. As required by 28 U.S.C. § 1446(d), Defendants filed a true and correct copy of this Notice of Removal with the Clerk of the Circuit Court of the Second Judicial District, in and for Leon County, Florida. A copy of the Notice of Filing the Notice of Removal is attached hereto as Exhibit B. Defendants also served this Notice of Removal upon all adverse parties on the date set forth in the certificate of service below.

6. The United States District Court for the Northern District of Florida, Tallahassee Division, is the district and division within which the state court action is pending.

7. Accordingly, defendant has satisfied all the removal prerequisites of 28 U.S.C. § 1446.


Preservation of Defenses

8. By filing this Notice of Removal, Defendants do not waive any defense which may be available to them.

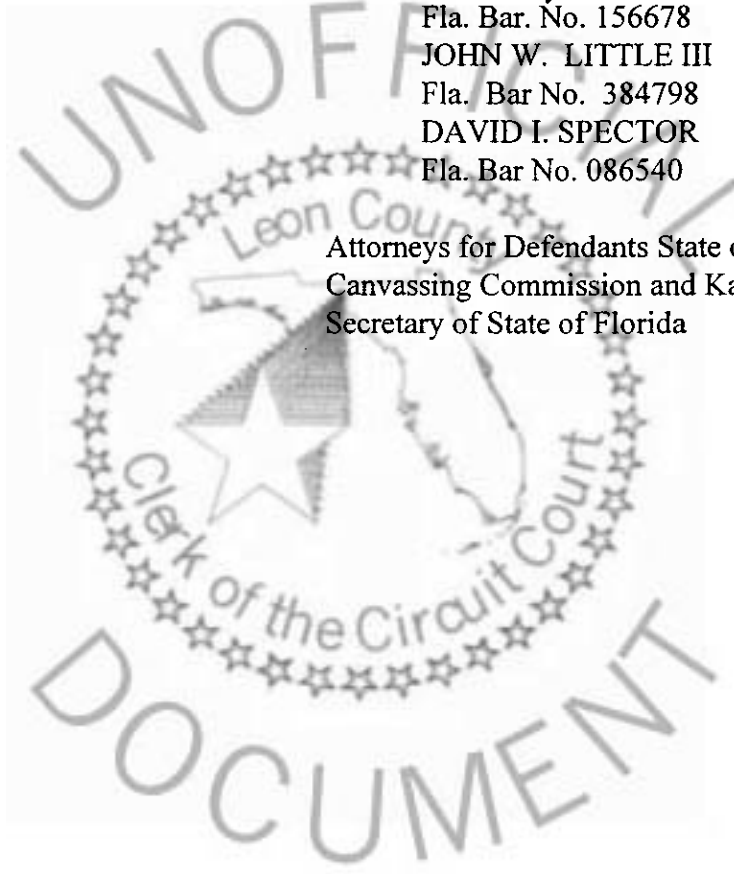
Dated this 6th day of December, 2000.

STEEL HECTOR & DAVIS LLP
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777 South Flagler Drive
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Facsimile: (561) 655-1509

By: _____

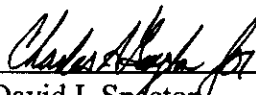

JOSEPH F. KLOCK
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Attorneys for Defendants State of Florida Election
Canvassing Commission and Katherine Harris, the
Secretary of State of Florida



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David I. Spector

WPB_1998/361809-1

