House Concurrent Resolution No. ___

A concurrent resolution providing for the manner of appointing electors for President and Vice President of the United States; providing for the appointment of such electors; providing for the filling of vacancies.

WHEREAS, an election was held in this state on November 7, 2000, for the purpose of selecting electors from Florida to cast the state's vote for President and Vice President of the United States of America on December 18, 2000, and

WHEREAS, Article II, Section 1 of the Constitution of the United States provides, in pertinent part, that "Each State shall appoint, in such Manner as the Legislature thereof may direct, a Number of Electors, equal to the whole Number of Senators and Representatives to which the State may be entitled in the Congress," and

WHEREAS, Section 5 of Title 3 of the United States Code provides:

"If any State shall have provided, by laws enacted prior to the day fixed for the appointment of the electors, for its final determination of any controversy or contest concerning the appointment of all or any of the electors of such State, by judicial or other methods or procedures, and such determination shall have been made at least six days before the time fixed for the meeting of the electors, such determination made pursuant to such law so existing on said day, and made at least six

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days prior to said time of meeting of the
electors, shall be conclusive, and shall govern
in the counting of the electoral votes as
provided in the Constitution, and as
hereinafter regulated, so far as the
ascertainment of the electors appointed by such
State is concerned," and

WHEREAS, the names of the electors who were appointed
following the Florida Secretary of State's certification on
November 26, 2000, were forwarded to Congress by the Governor
of the State of Florida with a certificate of ascertainment
pursuant to a timetable and scheme dictated by the November
21, 2000, decision of the Florida Supreme Court, and that
decision has been vacated by the December 4, 2000, ruling of
the Supreme Court of the United States, thus increasing the
uncertainty and confusion regarding the validity of the
appointment of those electors, and

WHEREAS, the electors who were appointed on November
26, 2000, are the same electors as those who would have been
appointed pursuant to a certification made on November 17,
2000, had the Florida Secretary of State been allowed to do
so, and

WHEREAS, it appears that there exists a reasonable risk
that the Congress of the United States, in exercising its
counting powers pursuant to the Twelfth Amendment of the
Constitution of the United States and Title 3 of the United
States Code over the votes cast for President and Vice
President by the members of the Electoral College, may
determine that the election held in this state for the purpose
of choosing electors has failed to make a choice on the day

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prescribed by law because contests and controversies have arisen concerning that election, and that the Congress may decide that those contests and controversies either were not finally determined by December 12, 2000, or that such determination was not pursuant to pre-existing election law or was not in compliance with Article II, Section 1 of the United States Constitution, and that accordingly Congress may not count the votes of the 25 electors already certified and sent to the Congress by the Governor of the State of Florida, and

WHEREAS, the Florida Legislature wishes to fulfill its constitutional obligation to ensure that Florida's six million voters are not disenfranchised and that its 25 electoral votes will be counted by Congress, and

WHEREAS, Section 2 of Title 3 of the United States Code provides that "Whenever any State has held an election for the purpose of choosing electors, and has failed to make a choice on the day prescribed by law, the electors may be appointed on a subsequent day in such a manner as the legislature of such State may direct," NOW, THEREFORE,

Be It Resolved by the House of Representatives of the State of Florida, the Senate Concurring:

That the Florida Legislature finds that the election for electors for President and Vice President of the United States of America held on November 7, 2000, ultimately failed to make a choice of such electors.

BE IT FURTHER RESOLVED that the manner that the Florida Legislature directs that electors for President and Vice President of the United States of America be appointed in the year 2000 is by appointment by the Florida Legislature.
BE IT FURTHER RESOLVED that the Florida Legislature hereby appoints as the 25 electors for President and Vice President of the United States of America, such number being equal to the whole number of Senators and Representatives to which the State of Florida is entitled in the Congress, the following named persons: Charles W. Kane, Maria De La Milera, Sandra M. Faulkner, H. Gary Morse, Armando Codina, Carole Jean Jordan, Tom Slade, Marsha Nippert, Robert L. Woody, John Thrasher, Mel Martinez, Feliciano M. Foyo, Al Hoffman, Alfred S. Austin, Thomas C. Feeney, III, John M. McKay, Cynthia M. Handley, Darryl K. Sharpton, Dr. Adam W. Herbert, Berta J. Moralejo, Jeannie Barber Godwin, Deborah L. Brooks, Dr. Dorsey C. Miller, Glenda E. Hood, and Dawn Guzzetta.

BE IT FURTHER RESOLVED that, if for any reason an elector appointed by this resolution is unable to serve because of death, incapacity, or otherwise, the Governor of the State of Florida may appoint a person to fill such vacancy who is a citizen of the State of Florida, who was registered and otherwise eligible to vote in the general election held on November 7, 2000, and who is not prohibited from serving as an elector under Article II, Section 1 of the United States Constitution.

BE IT FURTHER RESOLVED that each elector for President and Vice President of the United States appointed by this resolution shall, before 10 a.m. on December 18, 2000, give notice to the Governor of the State of Florida that such elector is in Tallahassee and ready to perform the duties of an elector for President and Vice President of the United States and, if it shall be found that one or more electors appointed pursuant to this concurrent resolution are absent, the electors present, subject to the provisions of section 4.

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103.061, Florida Statutes, shall elect by ballot, in the presence of the Governor, a person or persons to fill such vacancy or vacancies as may have occurred through the nonattendance of the elector.