

Michigan Secretary of State Response: Responsibility of the State central political party to certify the names of its nominees for U.S. President to the Secretary of State under the signatures of the chairperson and secretary of the committee.

Tuesday, November 25, 2008 12:27 PM
From: "SOS, LRSA" LRSA@michigan.gov
November 25, 2008

The Department of State (Department) acknowledges receipt of your e-mail message sent November 25, 2008, in which you made a request for public records pursuant to the Michigan Freedom of Information Act (FOIA or Act), 1976 PA 442, MCL 15.231 *et seq.* This notice is issued in response to your request, a copy of which is attached below and incorporated herein.

You requested, “[d]ocuments that show that Barack Obama is qualified to be President of the United States, including but not limited to: (a) Original birth certificate [;] (b) Proof that he is a natural born United States citizen [;] (c) Proof that he was born in Kenya.” Please be advised that your request is denied. **In accordance with section 5(4)(b) of the FOIA, I certify to the best of my knowledge, information, and belief that the Department does not possess public records matching the description you have provided**, or existing under other names that are reasonably known to the Department. **Please be advised that the Michigan Election Law, 1954 PA 116, MCL 168.1 *et seq.*, requires the state central committee of each political party qualified to appear on the ballot to certify the names of its nominees for U.S. President and Vice-President to the Secretary of State under the signatures of the chairperson and secretary of the committee. MCL 168.686. Copies of the nominees’ birth certificates or birth records are not required.**

With respect to the denial of your FOIA request and pursuant to section 10 of the FOIA, you may:

1. Appeal this decision in writing to the Secretary of State’s designee, the Director of the Legal and Regulatory Services Administration, Michigan Department of State, Richard H. Austin Building, 430 West Allegan Street, Lansing, Michigan 48918. The writing must specifically state the word “appeal” and must identify the reason or reasons you believe the denial should be reversed. The head of the agency, or her designee, must respond to your appeal within 10 business days of its receipt. Under unusual circumstances, the time for response to your appeal may be extended by 10 business days.
2. File an action in circuit court to compel disclosure of the records. The action must be filed within 180 days after the date of the final determination to deny the request. If you prevail in such an action, the court is to award reasonable attorney fees, costs, and disbursements. Further, if the court fines the denial to be arbitrary and capricious, you may receive punitive damages of \$500.00.

Sincerely,
Melissa Malerman, FOIA Coordinator
Legal and Regulatory Services Administration
Michigan Department of State