

Florida Secretary of State, performs ministerial function, no duty or responsibility to look beyond filing documents filed by the political party... if the political party's papers are complete on their face, the Secretary of State MUST accept them...

Tuesday, November 25, 2008 12:02 PM

From: "Shotwell, Nolah L." <NLShotwell@dos.state.fl.us>

Dear Sir:

We do not have any documents that are responsive to your request. The Florida Department of State does not have investigative or enforcement authority to ensure that major parties' Presidential candidates are properly qualified to be President of the United States . The U.S. Constitution establishes the qualifying requirements for President. Under Florida law, the way a major party's candidate is placed on the ballot is that the state executive committee of each political party submits its slate of presidential electors for its candidate before September 1st of each presidential election year; then, by law, the names of candidates are printed on the ballot. Those candidates are not required to provide any documents to the State that they meet the qualifications for office.

The Florida Secretary of State performs only a ministerial function. So, the Secretary has no duty or responsibility to look beyond the filing documents to determine if a candidate is eligible. If a candidate, or in this case, the party files the necessary paperwork, which papers are complete on their face, the Secretary must qualify the candidate.

I hope you find this information helpful.

Respectfully,

Nolah Shotwell