

CERTIFICATES OF NOMINATION TO CANDIDATES
OF PARTY POLLING LESS THAN FIVE
PERCENTUM OF VOTES.

Tallahassee, Fla., May 30, 1916.

*Honorable H. Clay Crawford,
Secretary of State,
Tallahassee, Florida.*

Dear Sir:—

Yours of this date has been received.

I note your inquiry as follows:

"I am in receipt of two letters from Mr. W. L. Van Duzor of Clermont, Florida. I am submitting same herewith together with copies of replies thereto with the request that you advise me whether or not the Secretary of State would be acting within the scope of his authority to issue a certificate declaring the nomination of the candidates whose names are disclosed by copies of correspondence referred to."

The correspondence referred to and attached to your letter relates to a request of Mr. W. L. Van Duzor that the names of certain persons furnished by him be certified by you, as Secretary of State, as candidates of the Republican party for the positions named in the primary election to be held in this State on June 6 next; or that, inasmuch as said candidates have no opposition for the several positions enumerated, they be certified as nominated under the provisions of Section 27 of the Primary Election Law.

The statute regulating the subject is the first paragraph of Section 2 of the Primary Election Law, reading as follows:

"A political party which, at the general election for State and County officers then next preceding a primary, polled more than five per cent of the entire vote cast in the

State is hereby declared to be a political party within the meaning of this Act, within the State, and shall nominate all candidates provided for in this Act under the provisions hereof."

I understand that the Republican party did not cast a sufficient number of votes at the last general election to bring it within this definition of a political party, and that for this reason and for the *additional reason* that the persons named did not qualify as candidates as the law requires and file the statements required of candidates to be filed by the provisions of Chapter 6470, commonly called the Corrupt Practices Act, you declined to certify the persons named as candidates of the Republican party, or as nominees of this party under the provisions of Section 27 of the Primary Election Law.

In my opinion it is entirely clear that you would not be warranted, for the reason last assigned, to issue a certificate declaring the nomination of the candidates whose names are referred to in the correspondence, and this is the question submitted, as I understand your inquiry.

Yours very truly,

T. F. WEST,
Attorney General.

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