

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

ROSE MARIE PREDDY,
candidate for Circuit Court Judge,
Group 11, Seventh Judicial Circuit,

Plaintiff,

v.

CASE No. 2024 CA 000653

SCOTT C. DUPONT, candidate
for Circuit Court Judge, Group 11,
Seventh Judicial Court, *et al.*,

Defendants.

ANSWER

Defendant, Florida Department of State, Division of Elections, answers the Complaint as follows, understanding that as qualifying officer, the Division “performs a ministerial function in reviewing qualifying papers” and “may not determine whether the contents of the qualifying papers are accurate.” § 99.061(7)(c), Fla. Stat. In qualifying Defendant Dupont for ballot placement, the Division was “without authority to pass judgment on questions de hors the filing instruments,” including whether he is indeed “qualified under the constitution and laws of Florida to hold the judicial office” as his Candidate Oath form purports. *State ex rel. Cherry v. Stone*, 265 So. 2d 56, 58 (Fla. 1st DCA 1972). “That is a question that can only be decided by a court of competent jurisdiction.” *Id.*

1. The constitutional provision and cases speak for themselves; otherwise, without knowledge and therefore denied.

2. Without knowledge and therefore denied.

3. Admitted Plaintiff seeks such relief; otherwise, without knowledge and therefore denied.

4. Without knowledge as to Plaintiff's legal residence; otherwise admitted.

5. Admitted.

6. Admitted.

7. Admitted.

8. Admitted.

9. Admitted.

10. Admitted.

11. Without knowledge and therefore denied.

12. Admitted.

13. The constitutional provision speaks for itself; otherwise, without knowledge and therefore denied.

14. The case speaks for itself; otherwise, without knowledge and therefore denied.

15. The case speaks for itself; otherwise, without knowledge and therefore denied.

16. The constitutional provision speaks for itself; otherwise, without knowledge and therefore denied.

17. Without knowledge and therefore denied.

18. Without knowledge and therefore denied.

19. Without knowledge and therefore denied.
20. Without knowledge and therefore denied.
21. Without knowledge and therefore denied.
22. Without knowledge and therefore denied.
23. Without knowledge and therefore denied.
24. Without knowledge and therefore denied.
25. The constitutional provision speaks for itself; otherwise, without knowledge and therefore denied.
26. Admitted, except that judicial candidates qualifying as write-ins do not have to pay a qualifying fee or qualify by the petition method.
27. Admitted.
28. Admitted.
29. Admitted.
30. Admitted.
31. Without knowledge and therefore denied.
32. The responses in paragraphs 1-31 are restated.
33. Without knowledge and therefore denied.
34. The case speaks for itself; otherwise, without knowledge and therefore denied.
35. Without knowledge and therefore denied.
36. Without knowledge and therefore denied.

37. The responses in paragraphs 1-31 are restated.
38. Admitted Plaintiff seeks such relief; otherwise, without knowledge and therefore denied.
39. Without knowledge and therefore denied.
40. Without knowledge and therefore denied.
41. Without knowledge and therefore denied.
42. Without knowledge and therefore denied.
43. Without knowledge and therefore denied.

Date: May 10, 2024

Respectfully submitted,

/s/ Joseph S. Van de Bogart
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 10th day of May 2024, a true copy of the foregoing was filed electronically with the Clerk of Court by using ePortal, which shall serve a copy to all counsel of record.

/s/ Joseph S. Van de Bogart
Attorney