

**IN THE SUPREME COURT OF FLORIDA**

SMART & SAFE FLORIDA,  
a registered Florida Political Committee,

**Case No. SC25-\_\_\_\_\_**

Petitioner,

v.

CORD BYRD, in his official capacity as  
Secretary of State, and MARIA MATTHEWS,  
in her official capacity as Director of the  
Division of Elections,

Respondents.

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**PETITION FOR WRIT OF MANDAMUS**

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## **BASIS FOR INVOKING JURISDICTION**

Florida statute requires that once a citizen initiative petition secures 25% of the necessary verified petitions in at least 14 of Florida's congressional districts, and state-wide, the Division of Elections must issue a letter confirming same to the initiative sponsor. The Division's letter, mandatory and ministerial in nature, triggers the Secretary of State's mandatory and ministerial duty to "immediately submit" the petition to the Attorney General, leading to this Court's review pursuant to Article IV, Section 10 of the Florida Constitution. As reflected by Respondents' own publicly reported data, the initiative petition at issue here has secured *three times* the number of verified valid petitions required statewide and has exceeded the required number in 26 of Florida's 28 congressional districts. The statutory threshold was surpassed in June and Respondents ignored a request in August to issue the letter. Ignoring the indisputable facts and their clear legal obligation, Respondents refuse to exercise their mandatory ministerial duty.

Petitioner Smart & Safe Florida invokes this Court's original jurisdiction pursuant to Article V, Section 3(b)(8) of the Florida Constitution. Petitioner seeks a writ of mandamus compelling the

state officer Respondents to fulfill their indisputable ministerial duty under law to issue a letter confirming that Smart & Safe’s initiative petition has satisfied the statutory requirements for verified signatures for transmittal of the petition by the Secretary to the Attorney General pursuant to section 15.21, Florida Statutes. See *Mayfield v. Secretary, Florida Department of State*, 402 So. 3d 1002, 1005 (Fla. 2025) (granting petition for writ of mandamus against the Secretary of State and Director of the Division of Elections for failing to satisfy their ministerial statutory duty to submit qualified candidate’s name to the appropriate supervisors of elections for ballot placement).

Respondent Cord Byrd, in his official capacity as Secretary of State, Head of the Florida Department of State, and Florida’s Chief Elections Officer, (“Secretary”) is a state officer. § 20.10(1), Fla. Stat. (2025) (“The head of the Department of State is the Secretary of State.”); accord *Detzner v. Anstead*, 256 So. 3d 820, 823 (Fla. 2018). The Division of Elections is a division of the Department of State. § 20.10(2)(a), Fla. Stat. (2025). Maria Matthews, in her official capacity as the Director of the Division (“Director”) is a state officer because she is a “person in the service of the government who derives

[their] position from a duly and legally authorized election or appointment,” and the exercise of their “jurisdiction, duties and powers is co-extensive with the limits of the State.” *Advisory Opinion to Governor*, 1 So. 2d 636, 638 (Fla. 1941) (quoting *State v. Hocker*, 22 So. 721, 723 (Fla. 1897)) (internal quotations omitted). The Division of Elections is a division of the Department of State and the Secretary directs and controls the Division through the Director.

Respondents are subject to this Court’s mandamus jurisdiction because, as state officers, they have failed to perform an indisputable legal duty, Smart & Safe has a clear legal right to the performance of said duty, and another adequate remedy does not exist. *Mayfield*, 402 So. 3d 1002, 1005; *Pizzi v. Scott*, 160 So. 3d 897 (Fla. 2014); *Pleus v. Crist*, 14 So. 3d 941 (Fla. 2009).

### **STATEMENT OF THE FACTS**

Petitioner Smart & Safe Florida (“Smart & Safe”) is a registered Florida political committee sponsoring the citizen initiative entitled “Adult Personal Use of Marijuana” for submittal to the voters on the

2026 General Election ballot.<sup>1</sup> Smart & Safe’s petition form was approved for use in the 2026 General Election by the Secretary pursuant to section 100.371(2), Fla. Stat. (2024), on January 14, 2025, and assigned Serial No. 25-01 (the “Petition”). (Appx. 1). Almost immediately after the Secretary’s approval, Smart & Safe began soliciting and gathering signatures for its Petition. Smart & Safe is actively soliciting and gathering signatures and will continue to do so until ballot placement is secured.

To qualify for ballot placement, an initiative must obtain verified valid petitions signed by a number of electors in each of one half of the congressional districts of the state, and of the state as a whole, equal to eight percent of the votes cast in the last preceding presidential election, *i.e.*, 880,062 for the 2026 General Election. Art. XI, § 3, Fla. Const.

Section 100.371 governs the initiative process. That statute requires initiative sponsors to promptly deliver petitions within 10

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<sup>1</sup> Smart & Safe sponsored a similar initiative which appeared on the 2024 General Election ballot and secured 5,950,589 “Yes” votes, approximately 56% of the electorate. See 2024 General Election Official Results, Constitutional Amendments, available at: <https://results.elections.myflorida.com/Index.asp?ElectionDate=11/5/2024&DATAMODE=>

days after the voter signs the form to the appropriate county supervisor of elections for verification. § 100.371(7), Fla. Stat. (2025). The county supervisors must verify the petitions within 60 days of receipt or within 30 days for petitions that were received less than 60 days before February 1 of an even-numbered year. § 100.371(14)(b), Fla. Stat. (2025); Rule 1S-2.0091(3), F.A.C. (signature verification process). The county supervisors are charged by law with the duty of determining the validity of the petitions according to express statutory criteria; they must mark petitions valid or invalid, and must report, among other things, the total number of signatures processed, the number of invalid signatures, and “the aggregate number of verified valid signatures, and the distribution of such signatures by congressional district for each proposed amendment proposed by initiative” on their respective websites and to the Secretary. § 100.371(14)(c),<sup>2</sup> (g), Fla. Stat. (2025); Rule 1S-2.0091(5)(a).

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<sup>2</sup> Section 100.371 grants the authority to validate petitions to the supervisors of elections based upon express criteria.

The supervisor may verify that the signature on a form is valid only if:

From the valid verified petitions reported by the supervisors, the Secretary “shall determine from the signatures verified by the supervisors of elections the total number of verified valid signatures, less any signatures that were invalidated pursuant to subsection (14), and the distribution of such signatures by congressional districts, and the division shall post such information on its website....” § 100.371(15), Fla. Stat. (2025).

Once a sponsor has submitted to the appropriate supervisors for verification, and the supervisors have verified forms signed and

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1. The form contains the original signature of the purported voter.
  2. The purported voter has accurately recorded on the form the date on which he or she signed the form.
  3. The form sets forth the purported voter’s:
    - a. Full name;
    - b. Address and county of residence;
    - c. Voter registration number or date of birth; and
    - d. Florida driver license or Florida identification card number issued pursuant to s. 322.051 or the last four digits of the voter’s social security number.
  4. The purported voter is, at the time he or she signs the form and at the time the form is verified, a duly qualified and registered voter in the state.
  5. The signature was obtained legally, including that if a petition circulator was used, the circulator was validly registered under subsection (4) when the signature was obtained.

§ 100.371(14(c)), Fla. Stat. (2025).

dated equal to 25 percent of the number of electors statewide required by section 3, Art. XI in one-half of the congressional districts of the state, the Division must issue a letter to the sponsor confirming same and the Secretary “shall immediately submit [the] initiative petition to the Attorney General.”<sup>3</sup> § 15.21(1), Fla. Stat. (2024).<sup>4</sup> Twenty-five percent of the total number of verified petitions required statewide is 220,016, and Florida has 28 congressional districts. (Appx. 2).

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<sup>3</sup> The Attorney General “shall, within 30 days after receipt of a proposed revisions or amendment to the State Constitution from the Secretary of State, petition the Supreme Court, requesting an advisory opinion....” § 16.061(1), Fla. Stat. (2025). *See also* Art. IV, § 10; Art. V, § 3(b)(10).

<sup>4</sup> After the Secretary approved Smart & Safe’s Petition, section 100.371 was amended to require that, for those petitions submitted to the Secretary after May 2, 2025, the financial impact statement be obtained and included on a petition before it could be circulated to voters. § 100.371(2), (3)(a)7., Fla. Stat. (2025). Relatedly, Section 15.21 was amended to require that, effective May 2, 2025, a sponsor must first obtain a financial impact statement before the Secretary transmits the petition to the Attorney General. Because the Petition was submitted to and approved by the Secretary before the amendment took effect, the financial impact statement requirement for the Secretary’s submittal of the petition to the Attorney General does not apply here. In any event, the financial impact statement requirement has no bearing upon issuance of the letter from the Division of Elections confirming that the numerical and geographic distribution requirements have been met.

Since the Secretary's approval of the Petition, as of the date of this filing, Smart & Safe has gathered 662,543 signed petitions verified as valid by the county supervisors of elections as reported on the Division's website. (Appx. 2) Also, as of the date of this filing, Smart & Safe surpassed the threshold for this Court's review in 26 of the 28 congressional districts as reported on the Division's website.<sup>5</sup> (*Id.*) The Petition has thus garnered more than three times the number of verified valid petitions, and nearly double the number of congressional districts, required to trigger the Respondents' mandatory ministerial duty under section 15.21 and, ultimately, this Court's review under Article IV, Section 10.

The Petition qualified for this Court's review as early as June 2, 2025, when the Division's website reported that Smart & Safe had gathered 377,832 signed petitions verified as valid by the county supervisors of elections. (Appx. 3). On June 2, 2025, the Division's

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<sup>5</sup> As of this filing, the Petition has qualified for Florida Supreme Court review in 26 of Florida's 28 congressional districts as follows: 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 23, 23, 24, 25 and 28. (Appx. 2).

website also reported that the Petition had surpassed the required threshold in 22 of Florida’s 28 congressional districts.<sup>6</sup> (*Id.*).

On August 12, 2025, Smart & Safe sent a letter to the Director explaining that, as reflected on the Division of Elections website, the Petition had garnered the requisite number of signatures statewide and in the requisite number of congressional districts requiring issuance of the Division’s letter confirming same pursuant to section 15.21, Fla. Stat., and requesting the Division’s issuance of same (“the Section 15.21 Letter”). (Appx. 4) Smart & Safe also requested that “[i]f it is contended that Smart & Safe Florida has not satisfied the requirements for obtaining the Section 15.21 Letter, and/or for the Secretary to transmit initiative petition 25-01 to the Attorney General and FIEC, please identify each such requirement, including the statutory or other legal authority relied upon.” (*Id.*).<sup>7</sup>

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<sup>6</sup> As of June 2, 2025, the Petition has qualified for Florida Supreme Court review in 22 of Florida’s 28 congressional districts as follows: 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, and 23. (Appx. 3).

<sup>7</sup> Smart & Safe’s August 12 letter also requested production of public records relating to: (i) initiative petition 25-01’s satisfaction, or lack thereof, of the requirements specified in section 15.21; (ii) the Division’s preparation, or lack thereof, of the Section 15.21 Letter; (iii) discussion, analysis, or explanation of whether the Division was

The Director did not respond to Smart & Safe's August 12 letter requesting issuance of the Section 15.21 Letter or explain why the letter had not been issued.<sup>8</sup> As of the date of this filing, and since at least June 2, 2025, Smart & Safe's Petition has met the threshold for issuance of the Section 15.21 Letter. The Respondents must therefore be compelled to perform their indisputable legal duty to issue the Section 15.21 Letter.

### **NATURE OF THE RELIEF SOUGHT**

Smart & Safe seeks a writ of mandamus compelling Respondents to issue the Section 15.21 Letter, thus advancing the

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required to prepare the Section 15.21 Letter; (iv) the extent to which HB 1205 impacted the circumstances under which the Division is required to prepare the Section 15.21 Letter; (v) policies, guidelines, procedures, or other explanations as to any changes in how amendments submitted to the Secretary prior to the enactment of HB 1205 are to be handled as a result of HB 1205; (vi) the timing for transmitting an initiative petition to the FIEC for amendments submitted to the Secretary prior to the enactment of HB 1205; and (vii) the reasons for the Division taking more than two months to issue the Section 15.21 Letter. (Appx. 4).

<sup>8</sup> On October 21, 2025, the Division responded to the public records request contained in Smart & Safe's August 12 letter. To put it charitably, while it might be argued that the documents produced could be inferred to provide a rationale for Respondents' withholding the Section 15.21 Letter, they provide no legal justification for doing so, as discussed below.

Petition in accordance with the regular order established by the Florida Constitution and statutes.

## **ARGUMENT**

### **I. The People’s Right to Amend their Constitution By Citizen Initiative Petition.**

Article XI, Section 3 of the Florida Constitution reserves to the people the power to propose an amendment or revision to their constitution via citizen initiative petition. That power is invoked

by filing with the custodian of state records a petition containing a copy of the proposed revision or amendment, signed by a number of electors in each of one half of the congressional districts of the state, and of the state as a whole, equal to eight percent of the votes cast in each of such districts respectively and in the state as a whole in the last preceding election in which presidential electors were chosen.

Fla. Const. Art. XI § 3. Article XI mandates that “[a] proposed amendment or revision of this constitution, or any part of it, by initiative shall be submitted to the electors at the general election provided the initiative petition is filed with the custodian of state records no later than February 1 of the year in which the general election is held.” *Id.*, § 5(b); *see also* § 100.371(1)(a), Fla. Stat. (2025) (“Constitutional amendments proposed by initiative shall be placed on the ballot for the general election, provided the initiative petition

has been filed with the Secretary of State no later than February 1 of the year the general election is held.”).

“A petition shall be deemed to be filed with the Secretary of State upon the date the secretary determines that valid and verified petition forms have been signed by the constitutionally required number and distribution of voters under this code.” § 100.371(1)(a), Fla. Stat. (2025). Thus, provided that the numerical and distribution requirements of Article XI, Section 3 are satisfied by the February 1 deadline, the proposed amendment must be placed on the general election ballot.

## **II. Mandatory Ministerial Duties of the Respondents.**

To give effect to the people’s power to amend their constitution via initiative petition, the Florida Constitution and statutes delineate specific duties, including mandatory obligations, upon various government actors. For example, before a sponsor circulates a citizen initiative petition, the form of the petition must be approved by the Secretary of State pursuant to express requirements. § 100.371(2), Fla. Stat. (2024); *see also* Fla. Admin. Code R. 1S-2.009(2)(a) (same). The county supervisors of elections are statutorily charged with the duty to verify as valid the petitions pursuant to express statutory

requirements within a statutorily imposed timeframe and report same on their websites and to the Division of Elections. § 100.371(14), Fla. Stat. (2025). As noted above, pursuant to Article XI, Sections 3 and 5(b), once the numerical and distribution requirements are met by the February 1 deadline, the Secretary must issue the certificate of ballot placement.

At issue here is the Respondents' mandatory obligation to issue the Section 15.21 Letter thus advancing the Petition as required by the Florida Constitution and statutes. Section 15.21(1) states:

(1) The Secretary of State **shall immediately submit** an initiative petition to the Attorney General **if the sponsor has:**

(a) Registered as a political committee pursuant to s. 106.03;

(b) Submitted the ballot title, substance, and text of the proposed revision or amendment to the Secretary of State pursuant to ss. 100.371 and 101.161; and

(c) **Obtained a letter from the Division of Elections** [*i.e.*, the Section 15.21 Letter] confirming that the sponsor has submitted to the appropriate supervisors for verification, and the supervisors have verified, forms signed and dated equal to 25 percent of the number of electors statewide required by s. 3, Art. XI of the State Constitution in one-half of the congressional districts of the state.

§ 15.21(1), Fla. Stat. (2024).<sup>9</sup> There is no debate that Smart & Safe has satisfied these criteria for issuance of the Section 15.21 Letter. (Appx. 1, 2, and 3).

Florida law expressly contemplates that the Section 15.21 Letter and the process it triggers is to occur once the numerical and congressional district distribution threshold is met. Timely compliance is mandated within the constitutional and statutory framework, which requires the Secretary to “immediately submit” the petition to the Attorney General who “shall, within 30 days” petition this Court for an advisory opinion which must be issued by April 1, 2026. This timeframe is laid out by the Florida Constitution and Florida statutes in part to provide this Court sufficient time to consider citizen initiative petitions submitted for its advisory opinion review. It is nonsensical, and contrary to the express constitutional and statutory mandates, to allow the Secretary and Director to

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<sup>9</sup> Once the Secretary has submitted the initiative petition to the Attorney General, within 30 days the Attorney General must request this Court for an advisory opinion pursuant to Article IV, Section 10. § 16.01(1), Fla. Stat. (2025). This Court must then render its advisory opinion by April 1 of the year in which the initiative is to be submitted to the voters. Fla. Const. Art. IV § 10.

indefinitely refuse to issue the Section 15.21 Letter and frustrate the constitutional order.

Simply by refusing to issue the Section 15.21 Letter, the Secretary indefinitely avoids his mandatory ministerial duty to “immediately submit” the Petition to the Attorney General. Respondents’ inaction prevents the Petition from arriving at this Court for review in accordance with Article IV, Section 10. Such would be an absurd result as there is no provision of Florida law permitting the Respondents to withhold the Section 15.21 Letter once the statutory criteria are met. *Florida Dept. of Highway Safety & Motor Vehicles v. Hernandez*, 74 So. 3d 1070, 1079 (Fla. 2011) (“statutes, as a rule, will not be interpreted so as to yield an absurd result” (cleaned up)).

As noted, the Division did not respond to Smart & Safe’s August 12 request to issue the Section 15.21 Letter. Nearly eight weeks later, on October 3, 2025, the Director issued on behalf of the Secretary a mandate to all county supervisors of elections to invalidate upwards of 200,000 petitions that had already been verified by the

supervisors, reported to the Division, and reported on the Division’s website (the “Secretary’s Directive”). (Appx. 5).<sup>10</sup>

In that light, perhaps the Respondents speculate that the Secretary’s Directive might ultimately result in the invalidation of a sufficient number of Petitions such that the measure falls below the threshold for issuance of the Section 15.21 Letter. A dubious presumption at best given that Smart & Safe has gathered more than three times the number of verified valid petitions required statewide and nearly double the required number of congressional districts. Regardless, such speculation as to the Respondents’ motive is of no moment here because the law is clear that Smart & Safe is entitled to issuance of, and Respondents are under the mandatory ministerial

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<sup>10</sup> On October 21, 2025, only after Smart & Safe commenced the circuit court action, *Smart & Safe Florida v. Byrd*, Fla. 2d Cir. Ct. Case No. 2025-CA-002001, challenging the Secretary’s Directive (Appx. 6), and numerous county supervisors began producing copies of the Secretary’s Directive pursuant to Chapter 119, the Division responded to the public records request contained in Smart & Safe’s August 12 letter by producing the Secretary’s Directive. This Court is not asked, nor required, here to determine the legality of the Secretary’s Directive as it is currently being challenged in the Second Judicial Circuit on the grounds that it creates and imposes additional petition verification requirements not contemplated by the governing statute.

legal duty to issue, the Section 15.21 Letter, because the statutory requirements have been met.

Florida law makes clear that the Section 15.21 Letter must issue even where it remains possible that the initiative petition will no longer qualify for ballot placement. *See* § 100.371(15), Fla. Stat. (2025) (“The secretary must rescind the certificate of ballot position if an advisory opinion issued by the Supreme Court pursuant to s. 16.061(1) deems the initiative petition invalid.”); § 16.061(4), Fla. Stat. (2025) (“If the Attorney General is notified by the Secretary of State pursuant to s. 15.21(2) that an initiative petition no longer qualifies for ballot placement for the ensuing general election, the Attorney General must withdraw his or her request for an advisory opinion if the Supreme Court has not yet fulfilled that request.”).

Florida law narrowly prescribes the circumstances where validated petitions can be invalidated, none of which exist here. *See* § 100.371(14)(a), Fla. Stat. (2025) (signatures expire February 1 of the even-numbered year in which the amendment is to appear on the general election ballot); § 100.371(14)(e)2., Fla. Stat. (2025) (In the event a voter attests to the Office of Election Crimes and Security that their signed petition form was forged or misrepresented, the “division

shall deem the voter’s petition form invalid.”); § 100.371(14)(h), Fla. Stat., (2025) (“A signed petition form submitted by an ineligible or unregistered petition circulator must be invalidated and may not be counted toward the number of necessary signatures for placement on the ballot.”); *see also* § 102.168(3)(b) (2025) (providing for post-election contest based on ineligibility of the proposed amendment for placement on the ballot).

Regardless of why the Respondents refuse to issue the Section 15.21 Letter, they have no discretion to do so once the statutory criteria under section 15.21 have been met. And, certainly, Florida law gives them no discretion to do so in the hope that a sufficient number of petitions might be invalidated such that Smart & Safe’s Petition might someday fall below the threshold required by section 15.21.

### **III. A Writ of Mandamus is Warranted Here.**

As this Court recently noted, “[m]andamus is a discretionary writ that offers relief in narrow circumstances.” A writ of mandamus will issue only where the “petitioner [has] a clear legal right to the requested relief, the respondent [has] an indisputable legal duty to perform the requested action, and the petitioner [has] no other

adequate legal remedy available.” *Mayfield v. Secretary, Florida Department of State*, 402 So. 3d 1002, 1005 (Fla. 2025) (citations omitted) (granting petition for writ of mandamus against the Secretary of State and Director of the Division of Elections for failing to satisfy their ministerial statutory duty of certifying to supervisors of elections the name of a candidate that qualified for the ballot).

*Mayfield* is instructive and counsels for the same result here. There, this Court granted a petition for writ of mandamus in favor of a candidate for office who was refused ballot placement by the same respondents here. The candidate completed and submitted qualifying paperwork that satisfied the statutory requisites for ballot placement. Under the relevant statutory provisions, once the candidate qualifies the Department of State “shall certify to the supervisor of elections ... the names of all duly qualified candidates...” and that “any candidate ... who has qualified as prescribed by law is entitled to have his or her name printed on the official primary election ballot.” *Mayfield*, 402 So. 3d at 1006.<sup>11</sup>

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<sup>11</sup> To be clear, in *Mayfield*, the applicable statute expressly stated that the Secretary “performs a ministerial function” limited to determining whether the qualifying papers are “complete on its face.”

This Court thus found “that the Department of State has an indisputable legal duty (ministerial in nature) to notify the supervisor of elections of all candidates that have qualified pursuant to statute. And a duly qualified candidate has a right to be placed on the ballot.” *Mayfield*, 402 So. 3d at 1007. The Court further found that, once the correctly completed paperwork had been timely submitted, “[a]t this point, with the facial sufficiency of the paperwork established, the Department of State’s review should have ceased. But the Department looked further.” *Id.* The Court rejected the Secretary’s claim “that his office may go beyond the face of the paperwork to assess whether a candidate is legally and constitutionally eligible for

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*Mayfield*, 402 So. 3d 1010. This is of no moment as such explicit limiting language is not required. Rather, it is the ministerial nature of the function that governs. *See, e.g., Pizzi v. Scott*, 160 So. 3d 897 (Fla. 2014) (granting petition for writ of mandamus where Governor had mandatory ministerial statutory duty to revoke his discretionary suspension of a municipal officer found not guilty of the criminal charges underlying the suspension); *Pleus v. Crist*, 14 So. 3d 941 (Fla. 2009) (granting petition for writ of mandamus where Governor was under mandatory duty under Florida Constitution Article V, Section 11 to fill a judicial vacancy within the time prescribed from the list of nominees certified by the Judicial Nominating Committee); *Eastmoore v. Stone*, 265 So. 2d 517 (Fla. 1st DCA 1972) (issuing writ of mandamus directing Secretary of State to identify on ballots county of residence groups for judicial races per residency requirement in governing statute).

the office.” *Id.* In doing so, the Court noted “[w]e have not found, nor has the Secretary cited, any source of law that grants the Secretary this authority.” *Id.*

So, too, here. The Secretary and Director appear to look further behind the petitions verified as valid and reported by the county supervisors (and as reflected on the Division’s website). Respondents appear to be withholding the Section 15.21 Letter on the hopes that the county supervisors’ compliance with the Secretary’s Directive might result in the Petition falling below the statutory threshold. There is no source of law that grants Respondents this authority.

Contrast the instant situation with that of *Plante v. Smathers*, 372 So. 2d 933 (Fla. 1979). In *Plante*, this Court applied the then recent adoption of Florida’s Sunshine Amendment, specifically, the requirement that candidates make full and public financial disclosure pursuant to Article II, Section 8 of the Florida Constitution. The Court found that Article II, Section 8(a) requires that the financial disclosure be made at the time the candidate qualifies and the “failure to file constitutes a defect or insufficiency in a candidate’s qualifying papers.” *Id.*, at 938 (*citing State ex rel. Fair v. Adams*, 139 So. 2d 879 (Fla. 1962); *Eastmoore v. Stone*, 265 So. 2d

517 (Fla. 1st DCA 1972)). The Court further held “that, if a candidate fails to make such disclosure, the secretary of state must decline to accept the candidate’s qualifying papers.” *Id.* No such defect exists here.

In *Fair v. Adams*, petitioner attempted to qualify and run for two state offices simultaneously. The Secretary of State refused to accept the petitioner’s qualifying papers for the second office after having accepted the papers for the first office. This Court concluded that because the petitioner could not hold two offices simultaneously, the Secretary of State was under no clear legal duty to accept the qualifying papers for the second office without the candidate specifically withdrawing his papers for the first office. 139 So. 2d 879, 885 (Fla. 1962). Further, because Florida law was clear that the petitioner could not hold two state offices simultaneously, he could not demonstrate a clear legal right to simultaneously qualify for two offices. *Id.* (O’Connell, J., concurring). Unlike in *Fair*, there is no dispute that Smart & Safe has a clear legal right to issuance of the Section 15.21 Letter.

This Court’s jurisprudence is clear: where the statutory (or constitutional) requirements establishing a clear legal right have

been met, the state officer must discharge their ministerial duty accordingly. Here, the Division is charged with issuing the Section 15.21 Letter when the following express statutory requirements are met: (i) Smart & Safe is a registered political committee; (ii) Smart & Safe has submitted the ballot title, summary, and full text of the proposed amendment to the Secretary; and (iii) Smart & Safe has submitted to the appropriate supervisors for verification, and the supervisors have verified, forms signed and dated equal to 25 percent of the number of electors statewide required by s. 3, Art. XI of the State Constitution in one-half of the congressional districts of the state. § 15.21(1), Fla. Stat. (2024).

The Secretary and Director have confirmed via reporting on the Division's website that the Petition has secured more than three times the number of verified valid petitions required statewide and nearly double the number of congressional districts required. Because the legal requirements have been met, the Respondents must satisfy their mandatory ministerial duty to issue the Section 15.21 Letter thereby triggering the Secretary's mandatory ministerial duty to "immediately submit" the Petition to the Attorney General and preserve the constitutional order of review by this Court.



**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on October 30, 2025, undersigned electronically filed this Petition with the Florida Supreme Court using the Florida Courts E-Filing Portal. Pursuant to Fla. R. Gen. Prac. & Jud. Admin. 2.516(b), the foregoing document has been served via e-mail on the following counsel:

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s/ Glenn Burhans, Jr.  
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**CERTIFICATE OF COMPLIANCE**

I CERTIFY that this petition complies with font and word count requirements of Fla. R. App. P. 9.045(b) and 9.100(g). This petition was prepared in Bookman Old Style, 14-point font, and contains 4,913 words as counted in Word, excluding the parts exempted by Fla. R. App. P. 2.10(a)(2)(E).

s/ Glenn Burhans, Jr.  
Glenn Burhans, Jr.