



**JUST THE FACTS!**

**TITLE: "FACTCHECK MAILBAG #3"**

**EPISODE #: 18**

**HOST**

Welcome back to Just the Facts, the weekly vid-cast from FactCheck.org, I'm Emi Kolawole, and this week we're going to take a peek into the FactCheck mailbag to see what you wanted to know and what we were able to find out. Now that we're nearing the end of the line in the Democratic primaries, one reader wanted to know:

**GRAPHIC: MAILBAG QUESTION #1**

**HOST**

Was it really the GOP's fault that the primaries in Michigan and Florida were moved up? Is Obama actually blocking giving people their vote? What is the rationale behind each campaign's proposal behind how the votes should (or should not) be counted? Is there some basis for considering what's fair?

That's a lot of questions! Well, the Complete History of the Florida and Michigan Delegates Abridged goes something like this:

**GRAPHIC: MICHIGAN AND FLORIDA DELEGATES**

**HOST**

The Democratic and Republican parties told Michigan and Florida to hold their primaries on or after Feb. 5. Both states' legislatures – with a sizeable number of Republicans and Democrats in agreement -- said "eh, too bad" and held their primaries in January. So Senators Clinton and Obama agreed they wouldn't campaign in Florida and Obama took his name off the ballot in Michigan. To punish the states, the GOP said it wouldn't seat half of both states' delegates at its national convention and the Democrats spiked them all – as they said they would if the states broke the party rules by holding their primaries early. But Sen. Clinton, who won the Florida primary and the all-but uncontested Michigan primary, now argues the delegates from both states should count, even though the rules say they can't. But the rules also say the rules can be changed. So the Democratic Party is discussing potential deals such as seating the delegates

according to the original vote or divvying them up 50-50 between Clinton and Obama.

When the Democrats' rules committee meets on May 31, it's possible we'll know how all this shakes out. It's also possible we won't know until the convention. Our next question looks at an upcoming primary election locale, and why it won't count in the general. The questioner asks:

**GRAPHIC: MAILBAG #2**

**HOST**

Why does Puerto Rico participate in the presidential primary and not the general election?

The short answer: because the law says so. It all comes down to the Electoral College and Article 1 Section 2 of the U.S. Constitution which reads:

**GRAPHIC: ELECTORAL COLLEGE/PUERTO RICO**

**HOST**

"Each State shall appoint, in such Manner as the Legislature thereof may direct, a Number of Electors, equal to the whole Number of Senators and Representatives to which the State may be entitled in the Congress."

That's just legalese for, only the 50 states get a vote in the Electoral College. In 1961 Washington, D.C. residents got a vote thanks to the 23<sup>rd</sup> Amendment. But territories are allowed to vote in Democratic and Republican primaries to pick the party candidates, But Puerto Rico's not alone when it comes to not getting a general election vote, it's joined by Guam, American Samoa and The Virgin Islands. Next question:

**GRAPHIC: MAILBAG #3**

**HOST**

Can a person who is not constitutionally eligible for the office of president be in the line of succession; for instance, as speaker of the House?

**HOST**

The quick answer: they can stand in line, but they can't serve as President. The Constitution explicitly states:

**GRAPHIC: CONSTITUTION/LINE OF SUCCESSION**

## HOST

"No person except a natural born Citizen, or a Citizen of the United States, at the time of the Adoption of this Constitution, shall be eligible to the Office of President; neither shall any Person be eligible to that Office who shall not have attained to the Age of thirty-five Years, and been fourteen Years a Resident within the United States."

So, for example, if Elaine Chao, the current Secretary of Labor, who was born in Asia, were called on to serve as President as part of the line of succession, she couldn't -- and would be skipped.

And that's it for this episode of *Just the Facts!* To see whether we asked your question, be sure to check out our website at [www.factcheck.org/askfactcheck](http://www.factcheck.org/askfactcheck). I'm Emi Kolawole, thanks for watching and see you next week.