

By Representatives Feeney and Crist

1                                   A bill to be entitled  
 2           An act relating to elections; amending s.  
 3           101.161, F.S.; revising language with respect  
 4           to ballot titles and ballot summaries on  
 5           referenda; creating s. 101.163, F.S., providing  
 6           a procedure for review of ballot summaries and  
 7           ballot titles; amending s. 16.061, F.S.;  
 8           relating to initiative petitions, to conform to  
 9           the act; providing an effective date.

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11 Be It Enacted by the Legislature of the State of Florida:

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13           Section 1. Section 101.161, Florida Statutes, is  
 14 amended to read:

15

101.161 Referenda; ballots.--

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(1) Whenever a constitutional amendment or other  
 17 public measure is submitted to the vote of the people, a  
 18 ballot title and a ballot summary containing the substance of  
 19 such amendment or other public measure shall be printed in  
 20 clear and unambiguous language on the ballot after the list of  
 21 candidates, followed by the word "yes" and also by the word  
 22 "no," and shall be styled in such a manner that a "yes" vote  
 23 will indicate approval of the proposal and a "no" vote will  
 24 indicate rejection. The wording of the ballot summary  
 25 ~~substance of the amendment or other public measure~~ and the  
 26 ballot title to appear on the ballot shall be embodied in the  
 27 joint resolution, constitutional revision commission proposal,  
 28 constitutional convention proposal, taxation and budget reform  
 29 commission proposal, or enabling resolution or ordinance. The  
 30 ballot summary ~~substance of the amendment or other public~~  
 31 ~~measure~~ shall be an explanatory statement, ~~not exceeding 75~~

1 ~~words in length~~, of the chief purpose of the measure. The  
2 ballot title shall consist of a caption, not exceeding 15  
3 words in length, by which the measure is commonly referred to  
4 or spoken of.

5 (2) The ballot summary ~~substance~~ and ballot title of a  
6 constitutional amendment proposed by initiative shall be  
7 prepared by the sponsor and approved by the Secretary of State  
8 in accordance with rules adopted pursuant to s. 120.54, the  
9 substance of which may not exceed 75 words in length. The  
10 Department of State shall give each proposed constitutional  
11 amendment a designating number for convenient reference. This  
12 number designation shall appear on the ballot. Designating  
13 numbers shall be assigned in the order of filing or  
14 certification of the amendments. The Department of State  
15 shall furnish the designating number, the ballot title, and  
16 the ballot summary ~~substance of each amendment~~ to the  
17 supervisor of elections of each county in which such amendment  
18 is to be voted on.

19 Section 2. Section 101.163, Florida Statutes, is  
20 created to read:

21 101.163 Review of ballot summaries and titles.--This  
22 section provides the exclusive process for review and  
23 reformation of ballot summaries and titles for all  
24 constitutional amendments and public measures submitted to the  
25 vote of the people.

26 (1) When a measure is proposed as a constitutional  
27 amendment or after final passage of a measure by the  
28 Legislature, the Secretary of State shall submit the proposed  
29 ballot summary and title to the Attorney General for review as  
30 to legal correctness. Within 5 business days, the Attorney  
31 General shall, in writing, notify the Secretary of State, the

1 President of the Senate, and the Speaker of the House of  
2 Representatives as to whether the proposed ballot summary and  
3 title clearly express the chief purpose of the measure. The  
4 Attorney General shall state with specificity any and all  
5 defects found and if necessary, within 10 business days of  
6 determining that the proposed ballot summary and title are  
7 defective, prepare and file a ballot summary and title which  
8 clearly express the chief purpose of the measure. The Attorney  
9 General, however, may use no more than 150 words in the ballot  
10 summary if necessary to clearly express the chief purpose of  
11 the measure.

12 (2) The following procedure shall apply to review and  
13 reformation of a ballot summary and title of a constitutional  
14 amendment or other public measure proposed by any other  
15 authorized method:

16 (a) After filing any other authorized proposal or, in  
17 the case of an initiative, satisfaction of the conditions  
18 expressed in s. 15.21, the Secretary of State or other filing  
19 officer shall submit the proposed ballot summary and title to  
20 the Attorney General for review as to whether the ballot  
21 summary and title clearly express the chief purpose of the  
22 measure. Within 5 business days after filing or transmission  
23 by the Secretary of State in accordance with s. 15.21, the  
24 Attorney General shall, in writing, notify the Secretary of  
25 State as to whether the proposed ballot summary and title  
26 clearly express the chief purpose of the measure. The Attorney  
27 General shall state with specificity any defect found and, if  
28 necessary, within 10 business days of determining that the  
29 proposed ballot summary and title are defective, prepare and  
30 file a ballot summary and title which clearly express the  
31 chief purpose of the measure; and

1           (b) Within 10 business days after completion of the  
2 review and possible reformation by the Attorney General, the  
3 Secretary of State shall, if no petition is filed in the  
4 Supreme Court challenging the ballot summary and title,  
5 transmit to the county supervisors of elections an attested  
6 copy of the measure, including the approved ballot summary and  
7 title, and a certification that the requirements of this  
8 section have been fulfilled. If a petition is filed with the  
9 Supreme Court challenging the ballot summary and title within  
10 the time specified in paragraph (c), the Secretary of State  
11 shall certify to the county supervisors of elections the  
12 ballot summary and title which is finally approved by the  
13 Supreme Court.

14           (c) Any elector who claims that a ballot summary and  
15 title do not clearly express the chief purpose of the measure  
16 must, within 10 days after the same is filed by the Attorney  
17 General with the Secretary of State, petition the Supreme  
18 Court. Such petition must include a proposed substitute ballot  
19 summary and title for the proposed measure. For the petition  
20 to be successful, the petitioner must establish, in order,  
21 that:

22           1. The substitute ballot summary and title clearly  
23 express the chief purpose of the measure; and

24           2. The ballot summary and title approved by the  
25 Attorney General do not clearly express the chief purpose of  
26 the measure.

27  
28 If the petitioner fails to establish the element required in  
29 subparagraph 1., the petition shall be dismissed without  
30 considering the element in subparagraph 2.

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1           (d) In the case of more than one successful  
2 petitioner, the court must select the ballot summary and title  
3 that most clearly express the chief purpose of the measure.

4           Section 3. Section 16.061, Florida Statutes, is  
5 amended to read:

6           16.061 Initiative petitions.--

7           (1) The Attorney General shall, within 30 days after  
8 receipt of a proposed revision or amendment to the State  
9 Constitution by initiative petition from the Secretary of  
10 State, petition the Supreme Court, requesting an advisory  
11 opinion regarding the compliance of the text of the proposed  
12 amendment or revision with s. 3, Art. XI of the State  
13 Constitution ~~and the compliance of the proposed ballot title~~  
14 ~~and substance with s. 101.161.~~ The petition may enumerate any  
15 specific factual issues which the Attorney General believes  
16 would require a judicial determination.

17           (2) A copy of the petition shall be provided to the  
18 Secretary of State and the principal officer of the sponsor.

19           Section 4. This act shall take effect upon becoming a  
20 law

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23           HOUSE SUMMARY

24           Provides a procedure for the review and reformation of  
25 ballot summaries and ballot titles for all constitutional  
26 amendments and public measures submitted to the vote of  
the people in the state. See bill for details.