

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.

10

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

12

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

15           101.161 Referenda; ballots.--

16           (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 150

1 75 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, and  
9 the ballot summary in such case may not exceed 75 words in  
10 length.

11 (3) The Department of State shall give each proposed  
12 constitutional amendment a designating number for convenient  
13 reference. This number designation shall appear on the  
14 ballot. Designating numbers shall be assigned in the order of  
15 filing or certification of the amendments. The Department of  
16 State shall furnish the designating number, the ballot title,  
17 and the ballot summary ~~substance of each amendment~~ to the  
18 supervisor of elections of each county in which such amendment  
19 is to be voted on.

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

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

26 (1) The following procedure shall apply to review and  
27 reformation of a ballot summary and title of a constitutional  
28 amendment proposed by the Legislature, which must be submitted  
29 to a vote of the people:

30 After final passage of a measure by the Legislature,  
31 the Secretary of State shall submit the proposed ballot

1 summary and title to the Attorney General for review. Within  
 2 5 business days, the Attorney General shall, in writing,  
 3 notify the Secretary of State, the President of the Senate,  
 4 and the Speaker of the House of Representatives as to whether  
 5 the proposed ballot summary and title clearly and  
 6 unambiguously express the chief purpose of the measure. The  
 7 Attorney General shall state with specificity any and all  
 8 defects found and if necessary, within 10 business days of  
 9 determining that the proposed ballot summary and title are  
 10 defective, prepare and file a ballot summary and title which  
 11 clearly and unambiguously express the chief purpose of the  
 12 measure.

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

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

1 title which clearly and unambiguously express the chief  
2 purpose of the measure.

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

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

24 1. The substitute ballot summary and title clearly and  
25 unambiguously express the chief purpose of the measure; and

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

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

4 (d) In the case of more than one successful  
5 petitioner, the court must select the ballot summary and title  
6 that most clearly and unambiguously express the chief purpose  
7 of the measure.

8 Section 3. Section 16.061, Florida Statutes, is  
9 amended to read:

10 16.061 Initiative petitions.--

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

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

23 Section 4. This act shall take effect upon becoming a  
24 law.