

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.--

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 clearly and unambiguously 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 and unambiguously express the chief purpose of the
27 measure. The Attorney General shall state with specificity any
28 defect found and, if necessary, within 10 business days of
29 determining that the proposed ballot summary and title are
30 defective, prepare and file a ballot summary and title which

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1 clearly and unambiguously express the chief purpose of the
2 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.

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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.