

By Senator Crist

20-287-98

1                                   A bill to be entitled  
2           An act relating to candidates for Congress;  
3           requiring certain information to be placed on  
4           the ballot informing electors of the  
5           candidates' acts with respect to the proposal  
6           to limit Congressional terms; providing duties  
7           of the Department of State; providing for  
8           appeal of department determinations; providing  
9           a repealer; providing legislative intent;  
10          amending ss. 101.181, 101.191, F.S., to  
11          conform; providing an effective date.

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

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15           Section 1. (1) All primary and general election  
16 ballots shall have printed the information "DISREGARDED TERM  
17 LIMITS INSTRUCTION" adjacent to the name of any United States  
18 Senator or Representative who:

19           (a) Fails to vote in favor of the proposed  
20 Congressional term limits amendment described in Senate  
21 Memorial No. .... when brought to a vote;

22           (b) Fails to second the proposed Congressional term  
23 limits amendment described in Senate Memorial No. .... if it  
24 lacks for a second before any proceeding of the legislative  
25 body;

26           (c) Fails to propose or otherwise bring a vote of the  
27 full legislative body the proposed Congressional term limits  
28 amendment described in Senate Memorial No. .... if it  
29 otherwise lacks a legislator who so proposes or brings to a  
30 vote of the full legislative body the proposed Congressional  
31 term limits amendment described in Senate Memorial No. ....;

1           (d) Fails to vote in favor of all votes bringing the  
2 proposed Congressional term limits amendment described in  
3 Senate Memorial No..... before any committee or subcommittee  
4 of the respective house upon which he or she serves;

5           (e) Fails to vote against any attempt to delay, table,  
6 or otherwise prevent a vote by the full legislative body of  
7 the proposed Congressional term limits amendment described in  
8 Senate Memorial No. ....;

9           (f) Fails to abstain or vote against any proposed  
10 constitutional amendment that would establish longer terms  
11 than currently existing or establish term limits longer than  
12 those in the proposed Congressional term limits amendment set  
13 forth above regardless of any other actions in support of the  
14 proposed Congressional term limits amendment described in  
15 Senate Memorial No. ....;

16           (g) Sponsors or cosponsors any proposed constitutional  
17 amendment or law that would increase the length of terms or  
18 increase term limits beyond those in the proposed  
19 Congressional term limits amendment described in Senate  
20 Memorial No. ....; or

21           (h) Fails to ensure that all votes on Congressional  
22 term limits are recorded and made available to the public.

23           (2) The information "DISREGARDED TERM LIMITS  
24 INSTRUCTION" shall not appear adjacent to the names of  
25 incumbent candidates for Congress if the Congressional term  
26 limits amendment described in Senate Memorial No. .... is  
27 before the states for ratification or has become part of the  
28 United State Constitution.

29           Section 2. Voter instruction on term limits pledge for  
30 nonincumbents.--

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1           (1) Nonincumbent candidates for United States Senator  
2 and Representative shall be given an opportunity to take a  
3 "term limits" pledge regarding term limits each time they file  
4 to run for such office. Those who decline to take the "term  
5 limits" pledge shall have the information "DECLINED TO PLEDGE  
6 TO SUPPORT TERM LIMITS" printed adjacent to their name on  
7 every primary and general election ballot.

8           (2) The "term limits" pledge shall be offered to  
9 nonincumbent candidates for United States Senator and  
10 Representative until a Constitutional Amendment which limits  
11 the number of terms of United States Senators to no more than  
12 two and United States Representatives to no more than three  
13 shall have become part of the United States Constitution.

14           (3) The "term limits" pledge that each nonincumbent  
15 candidate shall be offered is as follows:

16  
17           I support term limits and pledge to use all my  
18 legislative powers to enact the proposed Constitutional  
19 Amendment described in Senate Memorial No. .... If  
20 elected, I pledge to vote in such a way that the  
21 designation "DISREGARDED TERM LIMITS INSTRUCTION" will  
22 not appear adjacent to my name.

23  
24 ...Signature of candidate...

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26           Section 3. Designation.--

27           (1) The Department of State shall make an accurate  
28 determination as to whether a candidate for United States  
29 Representative or United States Senator shall have placed  
30 adjacent to his or her name on the election ballot the  
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1 information "DISREGARDED TERM LIMITS INSTRUCTION" or "DECLINED  
2 TO PLEDGE TO SUPPORT TERM LIMITS."

3 (2) The Department of State shall determine and  
4 declare what information, if any, shall appear adjacent to the  
5 names of each incumbent federal legislator if he or she was to  
6 be a candidate in the next election. In the case of United  
7 States Representatives and United States Senators, this  
8 determination and declaration shall be made in a fashion  
9 necessary to ensure the orderly printing of primary and  
10 general election ballots with allowance made for any legal  
11 action, and shall be based upon each member of Congress's  
12 action during their current term of office and any action  
13 taken in any concluded term, if such action was taken after  
14 the determination and declaration was made by the Department  
15 of State in a previous election.

16 (3) The Department of State shall determine and  
17 declare what information, if any, will appear adjacent to the  
18 names of nonincumbent candidates for United States  
19 Representative or United States Senator, not later than 5  
20 business days after the deadline for filing for the office.

21 (4) If the Department of State determines that the  
22 information "DISREGARDED TERM LIMITS INSTRUCTION" or "DECLINED  
23 TO PLEDGE TO SUPPORT TERM LIMITS" need not be placed on the  
24 ballot adjacent to the name of a candidate for United States  
25 Representative or United States Senator, any elector may  
26 appeal such decision by an administrative or judicial  
27 proceeding. The burden of proof is upon the Department of  
28 State to demonstrate by clear and convincing evidence that the  
29 candidate has met the requirements set forth in this act and  
30 therefore should not have the information "DISREGARDED TERM  
31 LIMITS INSTRUCTION" or "DECLINED TO PLEDGE TO SUPPORT TERM

1 LIMITS" printed on the ballot adjacent to the candidate's  
2 name.

3 (5) If the Department of State determines that the  
4 information "DISREGARDED TERM LIMITS INSTRUCTION" or "DECLINED  
5 TO PLEDGE TO SUPPORT TERM LIMITS" must be placed on the ballot  
6 adjacent to a candidate's name, the candidate may appeal such  
7 decision by an administrative or judicial proceeding. The  
8 burden of proof is upon the candidate to demonstrate by clear  
9 and convincing evidence that he or she should not have the  
10 information "DISREGARDED TERM LIMITS INSTRUCTION" or "DECLINED  
11 TO PLEDGE TO SUPPORT TERM LIMITS" printed on the ballot  
12 adjacent to the candidate's name.

13 Section 4. Automatic repeal.--At such time as the  
14 Congressional term limits amendment described in Senate  
15 Memorial No. .... is ratified, sections 1-3 expire.

16 Section 5. Subsection (3) is added to section 101.181,  
17 Florida Statutes, to read:

18 101.181 Form of primary ballot.--

19 (3) The ballot must contain the information required  
20 by section 1 of this act. The Department of State shall  
21 determine the form and placement of such information by rule.

22 Section 6. Subsection (3) is added to section 101.191,  
23 Florida Statutes, to read:

24 101.191 Form of general election ballot.--

25 (3) The ballot must contain the information required  
26 by section 1 of this act. The Department of State shall  
27 determine the form and placement of such information by rule.

28 Section 7. If this state is given the power to  
29 establish or propose term limits for United States  
30 Representatives and United States Senators, it is the intent  
31 of the Legislature that the limits proposed in the

1 Congressional term limits amendment described in Senate  
2 Memorial No. .... be adopted as the law of this state.  
3       Section 8. If any provision of this act or its  
4 application to any person or circumstance is held invalid, the  
5 invalidity does not affect other provisions or applications of  
6 the act which can be given effect without the invalid  
7 provision or application, and to this end the provisions of  
8 this act are declared severable.

9       Section 9. This act shall take effect upon becoming a  
10 law.

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13 SENATE SUMMARY

14 Requires that the information "DISREGARDED TERM LIMITS  
15 INSTRUCTION" be placed on the ballot alongside the name  
16 of any incumbent candidate for Congress who fails to act  
17 in such a way as to bring a proposed Congressional term  
18 limits amendment before the states for ratification.  
19 Requires that the information "DECLINED TO TAKE PLEDGE TO  
20 SUPPORT TERM LIMITS" be placed on the ballot alongside  
21 the name of any nonincumbent candidate for Congress who  
22 fails to pledge to take the actions required of incumbent  
23 candidates. Provides duties of the Department of State  
24 with respect to determining whether any given candidate  
25 is to have the information so placed.  
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