

1 A bill to be entitled
2 An act relating to elections; amending s.
3 101.161, F.S.; providing an exception to ballot
4 statement and title length requirements;
5 revising ballot language used to change the
6 method of selecting circuit and county court
7 judges; amending s. 105.041, F.S.; providing
8 procedure for determining the position on the
9 ballot of the names of candidates for the
10 office of circuit judge; amending s. 101.161,
11 F.S.; 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. Subsections (1) and (3) of section 101.161,
16 Florida Statutes, are amended to read:

17 101.161 Referenda; ballots.--

18 (1) Whenever a constitutional amendment or other
19 public measure is submitted to the vote of the people, the
20 substance of such amendment or other public measure shall be
21 printed in clear and unambiguous language on the ballot after
22 the list of candidates, followed by the word "yes" and also by
23 the word "no," and shall be styled in such a manner that a
24 "yes" vote will indicate approval of the proposal and a "no"
25 vote will indicate rejection. The wording of the substance of
26 the amendment or other public measure and the ballot title to
27 appear on the ballot shall be embodied in the joint
28 resolution, constitutional revision commission proposal,
29 constitutional convention proposal, taxation and budget reform
30 commission proposal, or enabling resolution or ordinance.
31 Except for amendments and ballot language proposed by joint

1 resolution, the substance of the amendment or other public
2 measure shall be an explanatory statement, not exceeding 75
3 words in length, of the chief purpose of the measure. The
4 ballot title shall consist of a caption, not exceeding 15
5 words in length, by which the measure is commonly referred to
6 or spoken of.

7 (3)(a) The ballot for the general election in the year
8 2000 must contain a statement allowing voters to determine
9 whether circuit or county court judges will be selected by
10 merit selection and retention as provided in s. 10, Art. V of
11 the State Constitution. The ballot in each circuit must
12 contain the statement in paragraph (c). The ballot in each
13 county must contain the statement in paragraph (e).

14 (b) For any general election in which the Secretary of
15 State, for any circuit, or the supervisor of elections, for
16 any county, has certified the ballot position for an
17 initiative to change the method of selection of judges, the
18 ballot for any circuit must contain the statement in paragraph
19 (c) or paragraph (d) and the ballot for any county must
20 contain the statement in paragraph (e) or paragraph (f).

21 (c) In any circuit where the initiative is to change
22 the selection of circuit court judges to selection by merit
23 selection and retention, the ballot shall state: "Shall the
24 method of selecting circuit court judges in the ...(number of
25 the circuit)... judicial circuit be changed from election by a
26 vote of the people to selection by the judicial nominating
27 commission and appointment by the Governor with subsequent
28 terms determined by a retention vote of the people ~~selected~~
29 ~~through merit selection and retention?~~" This statement must be
30 followed by the word "yes" and also by the word "no."
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1 (d) In any circuit where the initiative is to change
2 the selection of circuit court judges to election by the
3 voters, the ballot shall state: "Shall the method of selecting
4 circuit court judges in the ... (number of the circuit) ...
5 judicial circuit be changed from selection by the judicial
6 nominating commission and appointment by the Governor with
7 subsequent terms determined by a retention vote of the people
8 to election by a vote of the people ~~selected by vote of the~~
9 ~~electorate of the circuit?"~~ This statement must be followed by
10 the word "yes" and also by the word "no."

11 (e) In any county where the initiative is to change
12 the selection of county court judges to merit selection and
13 retention, the ballot shall state: "Shall the method of
14 selecting county court judges in ... (name of county) ... be
15 changed from election by a vote of the people to selection by
16 the judicial nominating commission and appointment by the
17 Governor with subsequent terms determined by a retention vote
18 of the people ~~selected through merit selection and retention?"~~
19 This statement must be followed by the word "yes" and also by
20 the word "no."

21 (f) In any county where the initiative is to change
22 the selection of county court judges to election by the
23 voters, the ballot shall state: "Shall the method of selecting
24 county court judges in ... (name of the county) ... be changed
25 from selection by the judicial nominating commission and
26 appointment by the Governor with subsequent terms determined
27 by a retention vote of the people to election by a vote of the
28 people ~~selected by vote of the electorate of the county?"~~ This
29 statement must be followed by the word "yes" and also by the
30 word "no."

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1 Section 2. Subsection (2) of section 105.041, Florida
2 Statutes, is amended to read:

3 105.041 Form of ballot.--

4 (2) LISTING OF CANDIDATES.--

5 (a) Except as provided in paragraph (b), the order of
6 nonpartisan offices appearing on the ballot shall be
7 determined by the Department of State. The names of candidates
8 for election to each nonpartisan office shall be listed in
9 alphabetical order. With respect to retention of justices and
10 judges, the question "Shall Justice (or Judge) (name of
11 justice or judge) of the (name of the court) be retained in
12 office?" shall appear on the ballot in alphabetical order and
13 thereafter the words "Yes" and "No."

14 (b)1. The names of candidates for the office of
15 circuit judge shall be listed on the first primary ballot in
16 the order determined by lot conducted by the director of the
17 Division of Elections of the Department of State after the
18 close of the qualifying period.

19 2. Candidates who have secured a position on the
20 general election ballot, after having survived elimination at
21 the first primary, shall have their names listed in the same
22 order as on the first primary ballot, notwithstanding the
23 elimination of any intervening names as a result of the first
24 primary.

25 Section 3. This act shall take effect July 1, 2000.
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