

By Senator Posey

15-1249-02

See HJR 709

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Senate Joint Resolution No. ____

A joint resolution proposing the amendment of Section 1 and the creation of Section 8 of Article VI of the State Constitution relating to political advertising.

Be It Resolved by the Legislature of the State of Florida:

That the following amendment of Section 1 and creation of Section 8 of Article VI of the State Constitution are agreed to and shall be submitted to the electors of this state for approval or rejection at the next general election or at an earlier special election specifically authorized by law for that purpose:

ARTICLE VI

SUFFRAGE AND ELECTIONS

SECTION 1. Regulation of elections.--All elections by the people shall be by direct and secret vote. General elections shall be determined by a plurality of votes cast. Except as otherwise provided in section 8 of this article, registration and elections shall, and political party functions may, be regulated by law; however, the requirements for a candidate with no party affiliation or for a candidate of a minor party for placement of the candidate's name on the ballot shall be no greater than the requirements for a candidate of the party having the largest number of registered voters.

SECTION 8. Regulation of political advertising.--

(a) The financing of any political advertisement, including any campaign-related advertisement, shall be

1 required to be reported or otherwise disclosed as provided by
2 general law.

3 (b) For the purposes of this section, the term:

4 (1) "Political advertisement" means a paid expression
5 in any communications medium, or by means other than the
6 spoken word in direct conversation, which shall support or
7 oppose any candidate, elected public official, or issue.
8 However, "political advertisement" does not include a
9 statement by an organization, in existence prior to the time
10 during which a candidate qualifies or an issue is placed on
11 the ballot for that election, in support of or opposition to a
12 candidate or issue, in that organization's newsletter, which
13 newsletter is distributed only to the members of that
14 organization, or editorial endorsements by any newspaper,
15 radio or television station, or other recognized news medium.

16 (2) "Campaign-related advertisement" means a paid
17 expression in any communications medium, or by means other
18 than the spoken word in direct conversation, which does not
19 specifically support or oppose any candidate or issue, but
20 which does substantially mention or show a clearly
21 identifiable candidate for election or reelection, is
22 distributed at any point during the period following the last
23 day of qualifying for that candidacy through the ensuing
24 general election, and is distributed within the geographic
25 location represented by the office sought by the candidate
26 mentioned or shown and which, when examined by a reasonable
27 person, would be understood as, and is therefore presumed to
28 be, a communication made for the purpose of influencing the
29 results of an election on that candidacy during that period,
30 and for which aggregate expenditures on like advertisements
31 exceed \$1,000 in 2002 dollars. However, "campaign-related

1 advertisement" does not include editorial endorsements by any
2 newspaper, radio or television station, or other recognized
3 news medium.

4 BE IT FURTHER RESOLVED that the following statement be
5 placed on the ballot:

6 CONSTITUTIONAL AMENDMENT

7 ARTICLE VI, SECTIONS 1 AND 8

8 POLITICAL ADVERTISEMENTS.--Proposing an amendment to
9 the State Constitution to provide that political
10 advertisements, including campaign-related advertisements,
11 shall be subject to reporting or disclosure as provided by
12 general law.

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