

By Representative Byrd

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House Joint Resolution

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 amendment of Section 1 and the creation of Section 8 of Article VI of the State Constitution set forth below are agreed to and shall be submitted to the electors of Florida for approval or rejection at the general election to be held in November 2002:

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

1 (b) For the purposes of this section:
2 (1) "Political advertisement" means a paid expression
3 in any communications medium, or by means other than the
4 spoken word in direct conversation, which shall support or
5 oppose any candidate, elected public official, or issue.
6 However, "political advertisement" does not include a
7 statement by an organization, in existence prior to the time
8 during which a candidate qualifies or an issue is placed on
9 the ballot for that election, in support of or opposition to a
10 candidate or issue, in that organization's newsletter, which
11 newsletter is distributed only to the members of that
12 organization, or editorial endorsements by any newspaper,
13 radio or television station, or other recognized news medium.
14 (2) "Campaign-related advertisement" means a paid
15 expression in any communications medium, or by means other
16 than the spoken word in direct conversation, which does not
17 specifically support or oppose any candidate or issue, but
18 which does substantially mention or show a clearly
19 identifiable candidate for election or reelection, is
20 distributed at any point during the period following the last
21 day of qualifying for that candidacy through the ensuing
22 general election, and is distributed within the geographic
23 location represented by the office sought by the candidate
24 mentioned or shown and which, when examined by a reasonable
25 person, would be understood as, and is therefore presumed to
26 be, a communication made for the purpose of influencing the
27 results of an election on that candidacy during that period,
28 and for which aggregate expenditures on like advertisements
29 exceed \$1,000 in 2002 dollars. However, "campaign-related
30 advertisement" does not include editorial endorsements by any
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1 newspaper, radio or television station, or other recognized
2 news medium.
3 BE IT FURTHER RESOLVED that in accordance with the
4 requirements of section 101.161, Florida Statutes, the title
5 and substance of the amendment proposed herein shall appear on
6 the ballot as follows:
7 POLITICAL ADVERTISEMENTS
8 Provides that political advertisements, including
9 campaign-related advertisements, shall be subject to reporting
10 or disclosure as provided by general law.
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