

By Senator Campbell

32-1102-04

1 A bill to be entitled
2 An act relating to voter information; creating
3 s. 100.391, F.S.; requiring the Department of
4 State to prepare a voter information guide for
5 elections in which a constitutional amendment
6 or a candidate for retention as a justice is on
7 the ballot; specifying the information the
8 guide is to contain; providing requirements for
9 the submission, review, and adoption of such
10 information; providing for publication and
11 dissemination of the guide; providing for
12 assessment of fees to cover certain costs of
13 publication and dissemination; providing the
14 department with rulemaking authority; providing
15 an effective date.

16
17 Be It Enacted by the Legislature of the State of Florida:

18
19 Section 1. Section 100.391, Florida Statutes, is
20 created to read:

21 100.391 Voter information guide.--

22 (1) The Department of State shall prepare a voter
23 information guide for any general election at which a proposed
24 constitutional amendment or a question to retain a justice in
25 office will appear on the ballot. The voter information guide
26 for such an election shall include:

27 (a) For each proposed constitutional amendment:

28 1. The title and text of the amendment, indicating any
29 deleted or amended material.

30 2. The form in which the amendment will appear on the
31 ballot, including the number by which it will be designated.

1 3. Arguments supporting and arguments opposing the
2 amendment.

3 4. An economic impact statement for the amendment,
4 comprised of an estimate of the increase or decrease in any
5 revenues or costs to state and local governments resulting
6 from the amendment if adopted.

7 (b) Information relating to the retention of any
8 justice who qualifies to run for retention in office.

9 (c) Voter registration information, including
10 information on how to obtain an absentee ballot.

11 (d) A list of the addresses and telephone numbers of
12 all offices of county supervisors of elections.

13 (2) The arguments supporting and arguments opposing a
14 proposed constitutional amendment required under subparagraph
15 (1)(a)3. shall be provided as follows:

16 (a) The sponsor of the amendment shall file with the
17 department an argument supporting adoption of the amendment,
18 and any opponent of the amendment shall file with the
19 department an argument opposing adoption of the amendment.
20 Each argument may not exceed 500 words. The arguments shall be
21 filed not more than 30 days after the amendment has been
22 approved by the department for placement on the ballot or on
23 or before July 15 immediately preceding the election,
24 whichever is later. Rebuttal arguments not exceeding 250 words
25 may be filed by both the sponsor and the opponent on or before
26 July 30 or 5 days after the filing of the argument to be
27 rebutted, whichever is later.

28 (b) For purposes of this subsection, the sponsor of
29 the amendment shall be:

30 1. If proposed by initiative, the political committee
31 sponsoring the initiative.

1 2. If proposed by joint resolution, the Legislature,
2 in which case the supporting argument shall be filed jointly
3 by the Senate and the House of Representatives in any manner
4 as may be determined by the President of the Senate and the
5 Speaker of the House of Representatives.

6 3. If proposed by report of a revision commission,
7 constitutional convention, or taxation and budget reform
8 commission, the commission or convention, as applicable.

9 (c) For the purposes of this subsection, the opponent
10 of the amendment shall be:

11 1. Any legislator. If more than one legislator files
12 an argument in opposition, the President of the Senate and the
13 Speaker of the House of Representatives shall jointly select
14 the argument to be used, provided that if the amendment was
15 proposed by joint resolution, the argument selected must be
16 one filed by a legislator who voted against final passage of
17 the resolution. The decision of the President of the Senate
18 and the Speaker of the House of Representatives shall be made
19 within 5 days after the deadline for filing the argument and
20 shall be made in any manner as they may agree; or

21 2. Any voter, if the amendment was proposed by joint
22 resolution and no legislator filed an argument in opposition
23 to it or voted against it. A voter may file an argument in
24 opposition within 10 days after the original deadline for
25 filing the argument. If an argument is filed by more than one
26 voter, the department shall select the argument of the voter
27 that most clearly and persuasively addresses the issues
28 identified in the ballot summary. That voter shall be
29 considered the opponent of the amendment. The decision of the
30 department shall be made within 5 days after the deadline for
31 filing the argument and shall not be subject to challenge.

1 (3) The Revenue Estimating Conference shall prepare
2 the economic impact statement required under subparagraph
3 (1)(a)4. for each proposed constitutional amendment, taking
4 into consideration input from the public, the Office of
5 Economic and Demographic Research, and any other entities it
6 deems proper. The voter information guide shall indicate
7 whether there is an economic impact for each proposed
8 constitutional amendment and shall abstract the impact
9 statement for such proposal. The abstract shall appear
10 following the arguments supporting or opposing the proposed
11 amendment.

12 (4)(a) The information relating to the retention of
13 justices required under paragraph (1)(b) shall consist of
14 evaluations and statements of support or opposition.

15 (b) Evaluations of candidates for retention in office
16 as a justice may be provided by any registered political
17 committee, The Florida Bar, the Florida House of
18 Representatives, the Florida Senate, or the Governor. An
19 evaluation shall consist of a concise estimate, based on
20 either a 100-0 numerical scale or an A-F letter grade scale,
21 of the provider's assessment of the justice. Any entity or
22 person providing an evaluation of a justice shall evaluate
23 each justice by the same scale and present a concise
24 description of the factors considered and relative weights
25 given to such factors in the process of evaluating justices.

26 (c) Statements of support for or opposition to
27 candidates for retention in office as a justice may be
28 provided by any registered political committee. However,
29 statements for no more than five proponents and no more than
30 five opponents may be included in the voter information guide.
31 The department may determine by rule the method of selecting

1 proponent and opponent information, which method may include
2 considerations such as the relative sizes of the organizations
3 or constituencies represented by the committees offering the
4 information, the clarity of the information provided, the
5 relative benefit of including a diversity of viewpoints in the
6 voter information guide, and other factors the department
7 determines will make the guide more informative.

8 (5) At least 75 days prior to the general election,
9 the department shall publish, on the Internet and by mailing
10 to every registered political committee, a preliminary draft
11 of the voter information guide. Any proponent or opponent
12 shall be allowed to comment, in writing on-line or by mail, on
13 the accuracy or fairness of the analysis on any issue or the
14 assessment of any judicial candidate addressed in the guide.
15 Such comments shall be delivered to the department no later
16 than the 60th day prior to the general election in such manner
17 as may be specified in the preliminary draft.

18 (6) Following completion of the voter information
19 guide, the department shall arrange for its publication and
20 distribution to every address of legal residence, or mailing
21 address if different, of one or more active registered
22 electors in the state. Voter information guides shall be
23 distributed not later than 15 days prior to the general
24 election. Sample ballots for both the primary and general
25 elections shall include a statement that information on how to
26 obtain a voter information guide is available by contacting
27 the department. The statement shall include the department's
28 telephone number and mailing address.

29 (7) The department may assess fees against political
30 committees offering information included in the voter
31

1 information guide not to exceed a proportionate share of the
2 costs of printing and mailing the guide.

3 (8) The department may adopt rules in accordance with
4 ss. 120.536(1) and 120.54 to implement and administer the
5 provisions of this section.

6 Section 2. This act shall take effect January 1, 2005.

7

8 *****

9 SENATE SUMMARY

10 Requires that the Department of State prepare a voter
11 information guide for any general election if the ballot
12 contains a proposed constitutional amendment or contains
13 a question of whether to retain a justice in office.
14 Requires that the guide include arguments supporting the
15 constitutional amendment and rebuttal arguments. Requires
16 the Revenue Estimating Conference to prepare an economic
17 impact statement. Requires that evaluations of a justice
18 be included in the information guide and that such
19 evaluations may be provided by any political committee,
20 The Florida Bar, the Florida Senate, the Florida House of
21 Representatives, and the Governor. Requires that the
22 department publish a preliminary draft of the voter
23 information guide. Requires that the completed guide be
24 mailed to each registered elector. Authorizes the
25 department to adopt rules. (See bill for details.)
26
27
28
29
30
31