

1 A bill to be entitled
2 An act relating to election ballots; amending s. 101.161,
3 F.S.; revising terminology; transferring to a new
4 subsection requirements applicable to joint resolutions;
5 providing that a joint resolution may include a ballot
6 summary and alternate ballot summaries; providing that a
7 joint resolution may include a ballot summary or alternate
8 ballot summaries, listed in order of preference,
9 describing the chief purpose of the amendment or revision
10 in clear and unambiguous language; requiring a joint
11 resolution to specify placement on the ballot of a ballot
12 title and either a ballot summary embodied in the joint
13 resolution or the full text of the proposed amendment or
14 revision; requiring placement on the ballot of the ballot
15 title and ballot summary, or the ballot title and the full
16 text of the proposed amendment or revision, as specified
17 by a joint resolution; requiring placement on the ballot
18 of the full text of an amendment or revision if the court
19 determines that each ballot summary embodied in a joint
20 resolution is defective unless the Secretary of State
21 certifies to the court that placement of the full text on
22 the ballot is incompatible with voting systems that must
23 be utilized during the election at which the proposed
24 amendment will be presented to voters and that no other
25 available accommodation will enable persons with
26 disabilities to vote on the proposed amendment or
27 revision; requiring the Attorney General to revise a
28 ballot summary under certain circumstances; requiring the

29 | court to retain jurisdiction over challenges to any
30 | revised ballot summary submitted by the Attorney General;
31 | requiring challenges to revised ballot summaries to be
32 | filed within 10 days after the revised ballot summary is
33 | submitted to the court by the Attorney General; creating a
34 | presumption that the full text of an amendment or revision
35 | must be considered a clear and unambiguous statement of
36 | the substance and effect of an amendment or revision
37 | proposed by joint resolution and sufficient notice to
38 | electors under certain circumstances; establishing rules
39 | of construction for construing proposed ballot titles,
40 | ballot summaries, or the full text of proposed amendments
41 | or revisions; requiring legal challenges to ballot
42 | language to be filed within certain time periods;
43 | requiring complaints or petitions challenging ballot
44 | language to assert all grounds for such challenges;
45 | providing that any grounds not asserted are waived;
46 | requiring the courts to describe with specificity each
47 | deficiency in a ballot title, summary, or full text of a
48 | proposed amendment or revision; requiring the courts to
49 | accord actions challenging ballot language specified by a
50 | joint resolution priority over other pending cases and
51 | issue orders as expeditiously as possible; providing
52 | retroactive applicability to joint resolutions passed
53 | during the 2011 regular session; providing an effective
54 | date.

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56 | Be It Enacted by the Legislature of the State of Florida:

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58 Section 1. Subsections (1) and (2) of section 101.161,
59 Florida Statutes, are amended, and subsection (4) is added to
60 that section, to read:

61 101.161 Referenda; ballots.—

62 (1) Whenever a constitutional amendment or other public
63 measure is submitted to the vote of the people, a ballot summary
64 ~~the substance~~ of such amendment or other public measure shall be
65 printed in clear and unambiguous language on the ballot after
66 the list of candidates, followed by the word "yes" and also by
67 the word "no," and shall be styled in such a manner that a "yes"
68 vote will indicate approval of the proposal and a "no" vote will
69 indicate rejection. The ballot summary ~~wording of the substance~~
70 of the amendment or other public measure and the ballot title to
71 appear on the ballot shall be embodied in the ~~joint resolution,~~
72 constitutional revision commission proposal, constitutional
73 convention proposal, taxation and budget reform commission
74 proposal, or enabling resolution or ordinance. ~~Except for~~
75 ~~amendments and ballot language proposed by joint resolution,~~ The
76 ballot summary ~~substance~~ of the amendment or other public
77 measure shall be an explanatory statement, not exceeding 75
78 words in length, of the chief purpose of the measure. In
79 addition, for every amendment proposed by initiative, the ballot
80 shall include, following the ballot summary, a separate
81 financial impact statement concerning the measure prepared by
82 the Financial Impact Estimating Conference in accordance with s.
83 100.371(5). The ballot title shall consist of a caption, not
84 exceeding 15 words in length, by which the measure is commonly

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85 referred to or spoken of. This subsection does not apply to
86 constitutional amendments or revisions proposed by joint
87 resolution.

88 (2) The ballot summary ~~substance~~ and ballot title of a
89 constitutional amendment proposed by initiative shall be
90 prepared by the sponsor and approved by the Secretary of State
91 in accordance with rules adopted pursuant to s. 120.54. The
92 Department of State shall give each proposed constitutional
93 amendment a designating number for convenient reference. This
94 number designation shall appear on the ballot. Designating
95 numbers shall be assigned in the order of filing or
96 certification and in accordance with rules adopted by the
97 Department of State. The Department of State shall furnish the
98 designating number, the ballot title, and the ballot summary
99 ~~substance~~ of each amendment, unless otherwise specified in a
100 joint resolution, to the supervisor of elections of each county
101 in which such amendment is to be voted on.

102 (4) (a) Whenever a constitutional amendment or revision is
103 proposed by joint resolution, the joint resolution shall include
104 a ballot title consisting of a caption, not exceeding 15 words
105 in length, by which the measure is commonly referred to or
106 spoken of. The joint resolution may include a ballot summary or
107 alternate ballot summaries, listed in order of preference,
108 describing the chief purpose of the amendment or revision in
109 clear and unambiguous language. The joint resolution shall
110 specify placement on the ballot of a ballot title and either a
111 ballot summary embodied in the joint resolution or the full text
112 of the proposed amendment or revision. As specified by the joint

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113 resolution, the ballot title and ballot summary, or the ballot
114 title and the full text of the proposed amendment or revision,
115 shall be printed on the ballot, with a designating number
116 assigned by the Secretary of State pursuant to subsection (2),
117 after the list of candidates, followed by the word "yes" and
118 also by the word "no," and shall be styled in such a manner that
119 a "yes" vote will indicate approval of the proposal and a "no"
120 vote will indicate rejection. The Department of State shall
121 furnish the designating number and, as specified by the joint
122 resolution proposing an amendment or revision, the ballot title
123 and a ballot summary or the full text of the amendment or
124 revision to the supervisor of elections of each county.

125 (b) If the court determines that each ballot summary
126 embodied in a joint resolution is defective, the full text of
127 the proposed amendment or revision shall appear on the ballot in
128 lieu of a ballot summary unless the Secretary of State certifies
129 to the court that placement of the full text on the ballot is
130 incompatible with voting systems that must be utilized during
131 the election at which the proposed amendment will be presented
132 to voters and that no other available accommodation will enable
133 persons with disabilities to vote on the proposed amendment or
134 revision. If the Secretary of State submits such certification
135 or the court determines that all ballot summaries in the joint
136 resolution are deficient and that the full text of a proposed
137 amendment or revision may not be placed on the ballot, and
138 further appeals are declined, abandoned, or exhausted, unless
139 otherwise provided in the joint resolution, the Attorney General
140 shall prepare and submit within 10 days to the Secretary of

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141 State and the court a revised ballot summary that corrects
142 ballot summary deficiencies identified by the court. That court
143 shall retain jurisdiction over challenges to any revised ballot
144 summary submitted by the Attorney General, and any challenge to
145 a revised ballot summary shall be filed within 10 days after the
146 revised ballot summary is submitted to the court by the Attorney
147 General.

148 (c)1. If the full text of a proposed amendment or revision
149 delineates existing text in the State Constitution that will be
150 removed or replaced if approved by the electors, the full text
151 shall be presumed to be a clear and unambiguous statement of the
152 substance and effect of the amendment or revision, providing
153 fair notice to the electors of the content of the proposal and
154 sufficiently advising electors of the issue upon which they are
155 voting.

156 2. In determining whether a ballot summary, the ballot
157 title, or the full text of a proposed amendment or revision is
158 legally sufficient, the court shall use the same rules of
159 construction to interpret language in a proposed constitutional
160 amendment as it does when interpreting existing constitutional
161 provisions.

162 (d)1. Any legal action challenging placement on the ballot
163 of a ballot title, any ballot summary, or the full text of a
164 proposed amendment or revision embodied in a joint resolution on
165 constitutional, statutory, or other grounds must be commenced by
166 filing a complaint or petition with the appropriate court within
167 30 days after the joint resolution is filed with the Secretary
168 of State. Furthermore, in any legal action challenging placement

169 on the ballot of any ballot summary embodied in a joint
170 resolution, the complaint or petition shall assert all grounds
171 for challenging the ballot title, each ballot summary embodied
172 in the joint resolution, and the full text of the proposed
173 amendment or revision. Any such grounds not asserted within 30
174 days after the joint resolution is filed with the Secretary of
175 State shall be deemed waived.

176 2. If a court finds the ballot title, a ballot summary, or
177 the full text of a proposed amendment defective for purposes of
178 placement on the ballot, the court shall, in its written order
179 or judgment, describe each deficiency with specificity in order
180 to facilitate the Attorney General's preparation of a revised
181 ballot summary.

182 (e) Legal actions challenging ballot language specified by
183 a joint resolution proposing an amendment or revision to the
184 State Constitution shall be accorded priority over other pending
185 cases by the courts, including any appellate court, and the
186 courts shall render decisions in such actions as expeditiously
187 as possible.

188 Section 2. This act applies retroactively to all joint
189 resolutions adopted by the Legislature during the 2011 Regular
190 Session, except that any legal action challenging a ballot title
191 or ballot summary embodied in such joint resolution or
192 challenging placement on the ballot of the full text of the
193 proposed amendment or revision to the State Constitution as
194 specified in such joint resolution must be commenced within 30
195 days after the effective date of this act or within 30 days
196 after the joint resolution to which a challenge relates is filed

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197 | with the Secretary of State, whichever occurs later.

198 | Section 3. This act shall take effect upon becoming a law.