

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HJR 321 Percentage of Elector Votes Required to Approve Constitutional Amendment or Revision

SPONSOR(S): Roth

TIED BILLS: **IDEN./SIM. BILLS:** SJR 866

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Oversight, Transparency & Administration Subcommittee	14 Y, 0 N	Toliver	Harrington
2) Rules & Policy Committee			
3) Government Accountability Committee			

SUMMARY ANALYSIS

The State Constitution sets forth five methods by which the Constitution may be amended or revised: proposal by the Legislature, citizen initiative, proposal by the constitution revision commission, proposal by a constitutional convention, and proposal by the taxation and budget reform commission. Regardless of the method, all proposed amendments must be submitted to a vote of the electors. For an amendment to become part of the State Constitution, sixty percent of the electors voting must vote in favor of the amendment.

The joint resolution increases the percentage of electors needed to approve an amendment or revision to the State Constitution from sixty percent to sixty-six and two-thirds percent of those voting on the measure.

The joint resolution will be considered by the electorate at the next general election on November 6, 2018. If adopted, the effective date of this resolution is January 8, 2019.

The joint resolution may have an indeterminate fiscal impact on the state. See Fiscal Comments.

Article XI, s. 1 of the Florida Constitution requires a three-fifths vote of the members present and voting for final passage of a joint resolution proposing an amendment to the Florida Constitution. This joint resolution proposes a constitutional amendment; thus it requires a three-fifths vote for final passage.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Background

Article XI of the State Constitution provides five methods for amending the Constitution: proposal by the Legislature,¹ citizen initiative,² proposal by the constitution revision commission,³ proposal by a constitutional convention,⁴ and proposal by the taxation and budget reform commission.⁵

Election and Voter Approval Requirements

After a proposed amendment meets the requirements to be submitted for approval by the electors, the amendment is placed on the ballot at the next general election.⁶ The Legislature may require the election to occur on an earlier date by special election by enacting a law that is approved by three-fourths of each chamber of the Legislature.⁷

For an amendment to become part of the State Constitution, sixty percent of the electors voting must vote in favor of the amendment.⁸

Effective Date of the Amendment

An amendment that is approved by the electors will take effect on the first Tuesday after the first Monday in January following the election, unless another date is specified in the amendment.

Effect of the Resolution

The bill increases the percentage of electors needed to approve an amendment to the State Constitution from sixty percent to sixty-six and two-thirds percent.

This joint resolution must pass each chamber with a three-fifths vote before it may be placed on the ballot.⁹ This joint resolution must be approved by 60 percent of the electors voting. If approved by the electorate, the joint resolution will take effect on January 8, 2019.

B. SECTION DIRECTORY:

Not applicable.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

¹ Article XI, s. 1, FLA. CONST.

² Article XI, s. 3, FLA. CONST.

³ Article XI, s. 2, FLA. CONST.

⁴ Article XI, s. 4, FLA. CONST.

⁵ Article XI, s. 6, FLA. CONST.

⁶ The State Constitution defines the term "general election" to mean an election held in each county on the first Tuesday after the first Monday in November of each even-numbered year. Article VI, s. 5, FLA. CONST; *see also* s. 97.021(16), F.S.

⁷ Article XI, s. 5(a), FLA. CONST.

⁸ Article XI, s. 5, FLA. CONST.

⁹ *Id.*

2. Expenditures:
See Fiscal Comments.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:
None.
2. Expenditures:
None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

Article XI, s. 5(d) of the State Constitution requires publication of a proposed amendment in a newspaper of general circulation in each county. The Division of Elections is required to advertise the full text of a proposed constitutional amendment twice in a newspaper of general circulation in each county before the election. The Division is also required to provide each Supervisor of Elections with either booklets or posters displaying the full text of a proposed amendment.¹⁰

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:
Not applicable.
2. Other:
None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

None.

¹⁰ Section 101.171, F.S.
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