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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 must specify placement on the ballot of a
 8 ballot summary or the full text of an amendment or
 9 revision; creating a presumption that the full text of an
 10 amendment or revision must be considered a clear and
 11 unambiguous statement of the substance and effect of an
 12 amendment or revision proposed by joint resolution and
 13 sufficient notice to the electors under certain
 14 circumstances; requiring legal challenges to ballot
 15 language specified by joint resolution to be filed within
 16 certain time periods; requiring placement on the ballot of
 17 the full text of an amendment or revision proposed by
 18 joint resolution if the courts find the ballot summary
 19 defective; requiring the courts to accord actions
 20 challenging legislative ballot language priority over
 21 other pending cases and issue orders as expeditiously as
 22 possible; providing applicability to joint resolutions
 23 passed during the 2011 regular session; providing an
 24 effective date.

25
 26 Be It Enacted by the Legislature of the State of Florida:
 27 Section 1. Subsections (1) and (2) of section 101.161,
 28 Florida Statutes, are amended, and a new subsection (4) is added

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29 | to read:
 30 | 101.161 Referenda; ballots.—
 31 | (1) Whenever a constitutional amendment or other public
 32 | measure is submitted to the vote of the people, a ballot summary
 33 | ~~the substance~~ of such amendment or other public measure shall be
 34 | printed in clear and unambiguous language on the ballot after
 35 | the list of candidates, followed by the word “yes” and also by
 36 | the word “no,” and shall be styled in such a manner that a “yes”
 37 | vote will indicate approval of the proposal and a “no” vote will
 38 | indicate rejection. The ballot summary ~~wording of the substance~~
 39 | of the amendment or other public measure and the ballot title to
 40 | appear on the ballot shall be embodied in the ~~joint resolution,~~
 41 | constitutional revision commission proposal, constitutional
 42 | convention proposal, taxation and budget reform commission
 43 | proposal, or enabling resolution or ordinance. ~~Except for~~
 44 | ~~amendments and ballot language proposed by joint resolution,~~ The
 45 | ballot summary ~~substance~~ of the amendment or other public
 46 | measure shall be an explanatory statement, not exceeding 75
 47 | words in length, of the chief purpose of the measure. In
 48 | addition, for every amendment proposed by initiative, the ballot
 49 | shall include, following the ballot summary, a separate
 50 | financial impact statement concerning the measure prepared by
 51 | the Financial Impact Estimating Conference in accordance with s.
 52 | 100.371(5). The ballot title shall consist of a caption, not
 53 | exceeding 15 words in length, by which the measure is commonly
 54 | referred to or spoken of. This subsection does not apply to
 55 | constitutional amendments or revisions proposed by joint
 56 | resolution.

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57 (2) The ballot summary ~~substance~~ and ballot title of a
 58 constitutional amendment proposed by initiative shall be
 59 prepared by the sponsor and approved by the Secretary of State
 60 in accordance with rules adopted pursuant to s. 120.54. The
 61 Department of State shall give each proposed constitutional
 62 amendment a designating number for convenient reference. This
 63 number designation shall appear on the ballot. Designating
 64 numbers shall be assigned in the order of filing or
 65 certification and in accordance with rules adopted by the
 66 Department of State. The Department of State shall furnish the
 67 designating number, the ballot title, and the ballot summary
 68 ~~substance~~ of each amendment, unless otherwise specified in a
 69 joint resolution, to the supervisor of elections of each county
 70 in which such amendment is to be voted on.

71 (4) (a) Whenever a constitutional amendment or revision is
 72 proposed by joint resolution, the joint resolution shall include
 73 a ballot title consisting of a caption, not exceeding 15 words
 74 in length, by which the measure is commonly referred to or
 75 spoken of. The joint resolution may include a ballot summary
 76 and alternate ballot summaries that describe the chief purpose
 77 of the amendment or revision in clear and unambiguous language.
 78 The joint resolution shall specify placement on the ballot of a
 79 ballot title and either a ballot summary embodied in the joint
 80 resolution or the full text of the proposed amendment or
 81 revision. As specified by the joint resolution, the ballot title
 82 and ballot summary, or the ballot title and the full text of the
 83 proposed amendment or revision, shall be printed on the ballot,
 84 with a designating number assigned by the Secretary of State

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85 pursuant to subsection (2), after the list of candidates,
 86 followed by the word "yes" and also by the word "no," and shall
 87 be styled in such a manner that a "yes" vote will indicate
 88 approval of the proposal and a "no" vote will indicate
 89 rejection. The Department of State shall furnish the designating
 90 number and, as specified by the joint resolution proposing an
 91 amendment or revision, the ballot title, ballot summary, or full
 92 text of an amendment or revision to the supervisor of elections
 93 of each county in which such amendment or revision is to be
 94 voted on.

95 (b) If a joint resolution specifies placement on the
 96 ballot of the full text of a proposed amendment or revision, and
 97 the full text of the proposed amendment or revision delineates
 98 existing text in the constitution that will be removed or
 99 replaced if approved by the electors, the full text shall be
 100 considered a clear and unambiguous statement of the substance
 101 and effect of the amendment or revision, providing fair notice
 102 to the electors of the content of the proposed amendment or
 103 revision and sufficiently advising electors of the issue upon
 104 which they are voting. Any judicial action challenging placement
 105 on the ballot of the full text of a proposed amendment or
 106 revision must be commenced within 30 days after the joint
 107 resolution is filed with the Secretary of State.

108 (c) Any action for a judicial determination that the
 109 ballot title, ballot summary, or alternate ballot summaries
 110 embodied in a joint resolution are inaccurate, misleading, or
 111 otherwise defective must be commenced within 30 days after the
 112 joint resolution is filed with the Secretary of State. If the

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113 court determines that each ballot summary embodied in a joint
 114 resolution is defective, the full text of the proposed amendment
 115 or revision shall appear on the ballot in lieu of a ballot
 116 summary. If the full text of the proposed amendment or revision
 117 delineates existing text in the constitution that will be
 118 removed or replaced if approved by the electors, the full text
 119 shall be considered a clear and unambiguous statement of the
 120 substance and effect of the amendment or revision, providing
 121 fair notice to the electors of the content of the proposal and
 122 sufficiently advising electors of the issue upon which they are
 123 voting. Any subsequent judicial action challenging placement on
 124 the ballot of the full text of a proposed amendment or revision
 125 must be commenced within 15 days after issuance of the final
 126 order in the matter.

127 (d) Legal actions challenging ballot language specified by
 128 a joint resolution proposing an amendment or revision to the
 129 constitution shall be accorded priority over other pending cases
 130 by the courts, including any appellate court, and the courts
 131 shall render decisions in such actions as expeditiously as
 132 possible.

133 Section 2. The provisions of this act shall apply
 134 retroactively to all joint resolutions passed during the 2011
 135 regular session. However, notwithstanding any other provision of
 136 this act, legal actions challenging a ballot title or ballot
 137 summary embodied in a joint resolution passed during the 2011
 138 regular session, and legal actions challenging placement on the
 139 ballot of the full text of a proposed amendment or revision as
 140 specified by a joint resolution passed during the 2011 regular

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141 session, must be commenced within 30 days after the effective
142 date of this act or 30 days after the joint resolution to which
143 a challenge relates is presented to the Secretary of State,
144 whichever is later.

145 Section 3. This act shall take effect upon becoming law.