

HB 1261

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1 A bill to be entitled
2 An act relating to election ballots; amending s. 101.161,
3 F.S.; requiring placement of the full text of a proposed
4 amendment or revision on the ballot if a court determines
5 that the explanatory statement in a joint resolution does
6 not satisfy statutory requirements; providing an effective
7 date.

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9 Be It Enacted by the Legislature of the State of Florida:

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11 Section 1. Section 101.161, Florida Statutes, is amended
12 to read:

13 101.161 Referenda; ballots.—

14 (1) Whenever a constitutional amendment or other public
15 measure is submitted to the vote of the people, the substance of
16 such amendment or other public measure shall be printed in clear
17 and unambiguous language on the ballot after the list of
18 candidates, followed by the word "yes" and also by the word
19 "no," and shall be styled in such a manner that a "yes" vote
20 will indicate approval of the proposal and a "no" vote will
21 indicate rejection. The wording of the substance of the
22 amendment or other public measure and the ballot title to appear
23 on the ballot shall be embodied in the joint resolution,
24 constitutional revision commission proposal, constitutional
25 convention proposal, taxation and budget reform commission
26 proposal, or enabling resolution or ordinance. Except for
27 amendments and ballot language proposed by joint resolution, the
28 substance of the amendment or other public measure shall be an

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29 | explanatory statement, not exceeding 75 words in length, of the
30 | chief purpose of the measure. In addition, for every amendment
31 | proposed by initiative, the ballot shall include, following the
32 | ballot summary, a separate financial impact statement concerning
33 | the measure prepared by the Financial Impact Estimating
34 | Conference in accordance with s. 100.371(5). The ballot title
35 | shall consist of a caption, not exceeding 15 words in length, by
36 | which the measure is commonly referred to or spoken of.

37 | (2) The substance and ballot title of a constitutional
38 | amendment proposed by initiative shall be prepared by the
39 | sponsor and approved by the Secretary of State in accordance
40 | with rules adopted pursuant to s. 120.54. The Department of
41 | State shall give each proposed constitutional amendment a
42 | designating number for convenient reference. This number
43 | designation shall appear on the ballot. Designating numbers
44 | shall be assigned in the order of filing or certification and in
45 | accordance with rules adopted by the Department of State. The
46 | Department of State shall furnish the designating number, the
47 | ballot title, and the substance of each amendment to the
48 | supervisor of elections of each county in which such amendment
49 | is to be voted on.

50 | (3) (a) For any general election in which the Secretary of
51 | State, for any circuit, or the supervisor of elections, for any
52 | county, has certified the ballot position for an initiative to
53 | change the method of selection of judges, the ballot for any
54 | circuit must contain the statement in paragraph (b) or paragraph
55 | (c) and the ballot for any county must contain the statement in
56 | paragraph (d) or paragraph (e).

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57 (b) In any circuit where the initiative is to change the
58 selection of circuit court judges to selection by merit
59 selection and retention, the ballot shall state: "Shall the
60 method of selecting circuit court judges in the ...(number of
61 the circuit)... judicial circuit be changed from election by a
62 vote of the people to selection by the judicial nominating
63 commission and appointment by the Governor with subsequent terms
64 determined by a retention vote of the people?" This statement
65 must be followed by the word "yes" and also by the word "no."

66 (c) In any circuit where the initiative is to change the
67 selection of circuit court judges to election by the voters, the
68 ballot shall state: "Shall the method of selecting circuit court
69 judges in the ...(number of the circuit)... judicial circuit be
70 changed from selection by the judicial nominating commission and
71 appointment by the Governor with subsequent terms determined by
72 a retention vote of the people to election by a vote of the
73 people?" This statement must be followed by the word "yes" and
74 also by the word "no."

75 (d) In any county where the initiative is to change the
76 selection of county court judges to merit selection and
77 retention, the ballot shall state: "Shall the method of
78 selecting county court judges in ...(name of county)... be
79 changed from election by a vote of the people to selection by
80 the judicial nominating commission and appointment by the
81 Governor with subsequent terms determined by a retention vote of
82 the people?" This statement must be followed by the word "yes"
83 and also by the word "no."

84 (e) In any county where the initiative is to change the

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85 selection of county court judges to election by the voters, the
86 ballot shall state: "Shall the method of selecting county court
87 judges in ...(name of the county)... be changed from selection
88 by the judicial nominating commission and appointment by the
89 Governor with subsequent terms determined by a retention vote of
90 the people to election by a vote of the people?" This statement
91 must be followed by the word "yes" and also by the word "no."

92 (4) If a court determines that an explanatory statement
93 embodied in a joint resolution does not satisfy the requirements
94 of subsection (1), the full text of the proposed amendment or
95 revision shall be included on the ballot in lieu of the
96 explanatory statement.

97 Section 2. This act shall take effect upon becoming a law.