

CS/HB 1261

2011

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 ballot language specified by a joint
21 resolution priority over other pending cases and issue
22 orders as expeditiously as possible; providing retroactive
23 applicability to joint resolutions passed during the 2011
24 regular session; providing an effective date.

25
26 Be It Enacted by the Legislature of the State of Florida:

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28 Section 1. Subsections (1) and (2) of section 101.161,

29 Florida Statutes, are amended, and subsection (4) is added to
 30 that section, to read:

31 101.161 Referenda; ballots.—

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

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57 | resolution.

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

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

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

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

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

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

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

134 Section 2. This act applies retroactively to all joint
135 resolutions adopted by the Legislature during the 2011 Regular
136 Session, except that any legal action challenging a ballot title
137 or ballot summary embodied in such joint resolution or
138 challenging placement on the ballot of the full text of the
139 proposed amendment or revision to the State Constitution as
140 specified in such joint resolution must be commenced within 30

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141 days after the effective date of this act or within 30 days
142 after the joint resolution to which a challenge relates is filed
143 with the Secretary of State, whichever occurs later.

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