

SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

BILL: SJR 2394
SPONSOR: Senators Atwater and Smith
SUBJECT: Constitutional Amendments and Revisions; Timing of Initiative Petition Filings/Judicial Review
DATE: March 9, 2004 REVISED: 03/11/04 _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Fox</u>	<u>Rubinas</u>	<u>EE</u>	<u>Fav/1 amendment</u>
2.	_____	_____	<u>JU</u>	_____
3.	_____	_____	<u>RC</u>	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

I. Summary:

Senate Joint Resolution 2394 moves the deadline for the Secretary of State to receive certified initiative petition signatures from the supervisors of elections from 91 days before the general election to February 1 of each general election year, in order for the initiative to be placed on the ballot at the November general election.

The joint resolution also establishes a date certain by which the Florida Supreme Court must render its written opinion on an initiative petition's validity --- April 1 of each general election year. Currently, the Court is required to render its decision "expeditiously."

If approved by the voters, the joint resolution will take effect on January 4, 2005.

The joint resolution embodies a recommendation of the Senate Select Committee on Constitutional Amendment Reform.

This joint resolution substantially amends the following sections of the Florida Constitution: Article IV, Section 10 and Article XI, Section 5.

II. Present Situation:

Political committees sponsoring initiatives circulate petitions to obtain the signatures of registered voters that support putting their measure on the ballot. The signatures are submitted to each county's supervisor of elections, who verify the validity and registered-electors status of each signatory. Each supervisor then certifies the number of valid signatures to the Secretary of State. No later than the 91st day before the general election, the constitutionally-prescribed

number of geographically-diverse, certified signatures supporting placing the measure on the ballot¹ must be received by the Secretary of State --- in order for the measure to be placed on the general election ballot.

(After ten percent of the requisite signatures have been collected and certified to the Secretary of State,² the Attorney General is required to petition the Florida Supreme Court for a determination of the initiative petition's validity.³ The Supreme Court is then required to render a decision "expeditiously"; there is no date certain by which the Supreme Court must issue its written opinion.)

III. **Effect of Proposed Changes:**

The joint resolution moves the deadline for the Secretary of State to receive certified initiative petition signatures from the supervisors of elections from 91 days before the general election to February 1 of each general election year, in order for the initiative to be placed on the ballot at the November general election. Sponsors of initiative petitions would do well to get signatures to the county supervisors well in advance of the February 1 deadline to allow enough time for the supervisors to validate and certify the signatures submitted.

The joint resolution also establishes a date certain by which the Florida Supreme Court must render its written opinion on an initiative petition's validity --- April 1 of each general election year. Currently, the Court is required to render its decision "expeditiously."

IV. **Constitutional Issues:**

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

¹ The Constitution requires that "the petition be signed by a number of electors in each of one half of the congressional districts of the state (Florida has a total of 23 congressional districts), and of the state as a whole, equal to eight percent of the votes cast in each of such districts respectively and in the state as a whole in the last preceding election in which presidential electors were chosen." Art. XI, s. 3, FLA CONST.

² Section 15.21(3), Florida Statutes, requires that petitioners obtain signatures from 10% of the voters required by Article XI, Section 3, Florida Constitution, and from 25% of the Congressional Districts required by Article XI, Section 3, Florida Constitution, to request review by the Florida Supreme Court.

³ Sections 15.21(3) and 16.061, F.S.

V. Economic Impact and Fiscal Note:**A. Tax/Fee Issues:**

None.

B. Private Sector Impact:

The financial impact of this joint resolution on initiative petition sponsors, if any, cannot be determined at this time.

C. Government Sector Impact:

Each constitutional amendment is required to be published in a newspaper of general circulation in each county, once in the sixth week and once in the tenth week preceding the general election. Costs for advertising vary depending upon the length of the amendment: however, the cost per amendment is estimated to be approximately \$35,000.

VI. Technical Deficiencies:

On page 1, line 1, the resolution number needs to be inserted.

VII. Related Issues:

This joint resolution is linked to SB 2400, authorizing that the measure be submitted to the voters for approval or rejection at a special election to be held in conjunction with the August 31, 2004 primary election.

VIII. Amendments:

#1 by Ethics and Elections:
Technical; inserts missing bill number.