

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Committee on Ethics and Elections

BILL: SJR 232

INTRODUCER: Senator Baxley

SUBJECT: Percentage of Elector Votes Required to Approve an Amendment or a Revision

DATE: March 14, 2019

REVISED: _____

| | ANALYST | STAFF DIRECTOR | REFERENCE | ACTION |
|----|---------|----------------|-----------|--------------------|
| 1. | Fox | Roberts | EE | Pre-meeting |
| 2. | _____ | _____ | JU | _____ |
| 3. | _____ | _____ | RC | _____ |

I. Summary:

SJR 232 increases the percentage of elector votes required to pass a constitutional amendment or revision from 60 percent to two-thirds (66 2/3%) of those voting on the measure.

The SJR requires an affirmative supermajority 3/5ths vote of each body of the Legislature for passage.

If adopted by at least 60% of those voting on the measure at the 2020 general election, the passage threshold change would apply to all proposed amendment or revisions voted on or after January 5, 2021.

II. Present Situation:

The Florida Constitution mandates that all proposed amendments or revisions be adopted by at least a 60% affirmative vote of those electors voting on the measure. The voters adopted the current threshold in 2006, approving a legislative proposal to increase the percentage from a simple majority of those voting on the measure.

Since adopting the 60% passage threshold, voters have weighed-in on 44 proposed constitutional amendments, approving 27 (61%) and rejecting 17 (39%).¹ However, in the last two general election cycles, voters have approved an overwhelming ***15 of 17, or 88%*** of all proposed amendments. This limited data suggests a *possible* recent trend toward easier voter approval.

¹ Florida Div. of Elections, Initiatives/Amendments/Revisions Database, available at <https://dos.elections.myflorida.com/initiatives/> (last accessed March 14, 2019).

III. Effect of Proposed Changes:

SJR 232 is straightforward; it increases the minimum threshold for passing an amendment or revision to the State Constitution from 60% to 66 2/3% (two-thirds) of those voting on the measure.

Had the SJR’s two-thirds passage threshold been in place since 2008, when the 60% threshold went into effect, more than half of the amendments that passed (15 of 27) would have been defeated — reducing the overall passage rate from almost two-thirds (61%; 27/44) to just over a quarter (27%; 12/44). The passage rate for the 2018 election cycle would have been significantly reduced, from over 90% to just one-third (33%) — with 7 additional amendments failing. The following chart summarizes the general election breakdown of approved amendments under each passage rate:

| YEAR | 60% Passage Rate | 66 2/3% (two-thirds) Passage Rate |
|-------------|-------------------------|--|
| 2008 | 71% (5 of 7) | 29% (2 of 7) |
| 2010 | 50% (3 of 6) | 17% (1 of 6) |
| 2012 | 27% (3 of 11) | 0% (0 of 11) |
| 2014 | 33% (1 of 3) | 33% (1 of 3) |
| 2016 | 80% (4 of 5) | 80% (4 of 5) |
| 2018 | 92% (11 of 12) | 33% (4 of 12) |

The available data indicates that increasing the passage rate from 60% to 66 2/3% could have a consequential impact on marginal amendments and revisions.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The Division of Elections is required to advertise the full text of proposed constitutional amendments in English and Spanish twice in a newspaper of general circulation in each county before the election in which the amendment shall be submitted to the electors. The Division is also required to provide each Supervisor of Elections with either booklets or posters displaying the full text of proposed amendments.

The Division has not completed an agency bill analysis for this bill or for the identical House Bill. Using the Division's 2018 general election estimate of \$120.31 per word, this 391-word amendment should cost about **\$47,041**.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

The bill substantially amends Article XI, s. 5 of the Florida Constitution.

IX. Additional Information:

A. Committee Substitute – Statement of Changes:

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. Amendments:

None.