

## HOUSE OF REPRESENTATIVES STAFF ANALYSIS

**BILL #:** HJR 57 Percentage of Elector Votes Required to Approve Constitutional Amendment or Revision

**SPONSOR(S):** Roth and others

**TIED BILLS:** **IDEN./SIM. BILLS:** SJR 232

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Civil Justice Subcommittee	10 Y, 5 N	Jones	Poche
2) State Affairs Committee	15 Y, 6 N	Toliver	Williamson
3) Judiciary Committee			

### SUMMARY ANALYSIS

Florida voters can amend the state Constitution by approving an amendment or revision originating from one of five sources: the Legislature, the Constitution Revision Commission, the Taxation and Budget Reform Commission, a citizen initiative, or a constitutional convention. For an amendment or revision to become effective, at least sixty percent of the voters voting on the measure must approve it.

HJR 57 changes the vote threshold required to approve an amendment or revision from sixty percent to sixty-six and two-thirds percent.

The joint resolution has a nonrecurring fiscal impact on the Department of State for the publication of the proposed constitutional amendment in newspapers of general circulation in each county and for publication of booklets or posters with the amendment language for use in polling places.

The joint resolution, if passed by the Legislature, would be considered by the electorate at the next general election on November 3, 2020. If adopted at the 2020 general election, the resolution would take effect January 5, 2021.

**A joint resolution proposing an amendment to the Florida Constitution must be passed by three-fifths of the membership of each house of the Legislature to appear on the next general election ballot. If placed on the ballot, the Constitution requires sixty percent voter approval for passage.**

## FULL ANALYSIS

### I. SUBSTANTIVE ANALYSIS

#### A. EFFECT OF PROPOSED CHANGES:

##### Background

The Florida Constitution is the charter of the liberties of Floridians.<sup>1</sup> It may be amended only if the voters approve an amendment or revision originating from the Legislature, the Constitution Revision Commission (CRC), the Taxation and Budget Reform Commission (TBRC), a citizen initiative, or a constitutional convention.<sup>2</sup> Any initiative proposed by the people must embrace only one subject,<sup>3</sup> but proposals that originate from the other sources are not so limited.<sup>4</sup>

After the Legislature, CRC, TBRC, citizen initiative, or constitutional convention successfully proposes an amendment or revision, the measure is placed on the ballot at the next general election,<sup>5</sup> which occurs every even-numbered year on the first Tuesday after the first Monday in November.<sup>6</sup> The proposed amendment or revision must be published twice in newspapers of general circulation, once in the tenth week preceding the election and once in the sixth week, to notify the voters of the measure.<sup>7</sup> If at least sixty percent of the voters<sup>8</sup> voting on the measure approve it, the measure passes and becomes part of the state Constitution.<sup>9</sup> An approved amendment or revision becomes effective the first Tuesday after the first Monday in January following the election, unless otherwise specified.<sup>10</sup>

##### Effect of Proposed Changes

HJR 57 changes the vote threshold required for approving a Constitutional amendment or revision from sixty percent of the voters voting on the measure to sixty-six and two-thirds percent of the voters voting on the measure.

The joint resolution must pass each chamber with a three-fifths vote before it may be placed on the ballot. The joint resolution, if passed by the Legislature, would be considered by the electorate at the next general election on November 3, 2020, where sixty percent of the electors voting must approve it. If approved, the amendment will take effect January 5, 2021.

#### B. SECTION DIRECTORY:

Not applicable.

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<sup>1</sup> *Browning v. Florida Hometown Democracy, Inc., PAC*, 29 So. 3d 1053, 1064 (Fla. 2010) (internal citations omitted).

<sup>2</sup> Art. XI, Fla. Const.

<sup>3</sup> Art. XI, s. 3, Fla. Const.

<sup>4</sup> Art. XI, ss. 1, 2, 4, and 6, Fla. Const.

<sup>5</sup> Art. XI, s. 5(a), Fla. Const.

<sup>6</sup> Art. VI, s. 5(a), Fla. Const.

<sup>7</sup> Art. XI, s. 5(d), Fla. Const.

<sup>8</sup> In 2005, the Legislature passed HJR 1723, which proposed a constitutional amendment raising the vote threshold for the approval of a constitutional amendment from a majority of voters voting on an amendment to sixty percent of voters voting on an amendment. The amendment was placed on the ballot in the 2006 general election and passed with 57.8 percent of the vote. See 2006 Election Results, DEPARTMENT OF STATE, available at <https://results.elections.myflorida.com/Index.asp?ElectionDate=11/7/2006&DATAMODE=> (last visited March 29, 2019).

<sup>9</sup> Art. XI, s. 5(e), Fla. Const.

<sup>10</sup> *Id.*

## II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

### A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

Article XI, s. 5(d) of the Florida Constitution requires publication of a proposed amendment in a newspaper of general circulation in each county. The Division of Elections (division) within the Department of State must advertise the full text of the amendment twice in a newspaper of general circulation in each county where the amendment will appear on the ballot. The division must also provide each supervisor of elections with either booklets or posters displaying the full text of each proposed amendment,<sup>11</sup> regardless of whether the amendment passes. The Department of State estimates that the cost to advertise the amendment and produce booklets for the 2020 general election would be at least \$36,893.21.<sup>12</sup>

### B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

### C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

### D. FISCAL COMMENTS:

None.

## III. COMMENTS

### A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not applicable. The mandates provision applies only to a general law, not to a joint resolution to amend the Constitution.

2. Other:

None.

### B. RULE-MAKING AUTHORITY:

None.

### C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

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<sup>11</sup> S. 101.171, F.S.

<sup>12</sup> Agency Bill Analysis of HJR 57, Department of State, on file with the Oversight, Transparency & Public Management Subcommittee.

#### IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

None.