



STATE OF FLORIDA

CHARLIE CRIST
ATTORNEY GENERAL

September 29, 2005

The Honorable Barbara J. Pariente
Chief Justice, and Justices of
The Supreme Court of Florida
The Supreme Court Building
Tallahassee, Florida 32399-1925

Dear Chief Justice Pariente and Justices:

In accordance with the provisions of Article IV, section 10, Florida Constitution, and section 16.061, Florida Statutes, it is the responsibility of the Attorney General to petition this Honorable Court for a written opinion as to the validity of an initiative petition circulated pursuant to Article XI, section 3, Florida Constitution.

On August 30, 2005, this office received from the Secretary of State an initiative petition seeking to amend the Florida Constitution to set forth an implementation schedule for the Apportionment and Districting Commission. The full text of the proposed amendment states:

Full Text:

Article XII, Section 26, Florida Constitution, is created to read:

Section 26. Implementation Schedule for Apportionment and Districting Commission.—If the proposed amendment to Article III, Section 16, establishing an Apportionment and Districting Commission is adopted by the electorate at the general election of 2006, 15 commissioners shall be certified by the respective appointing authorities, as provided for in Article III, Section 16(a) of that amendment, on or before March 1, 2007. Following certification of the members of the Commission by the respective appointing authorities, the Commission, on or before December 31, 2007, shall establish state legislative and congressional districts in the manner provided in Article III, Section 16. Elections for state legislative and congressional districts in 2008 shall be held pursuant to plans adopted by the Commission in 2007.

The ballot title for the proposed amendment is "IMPLEMENTATION OF APPORTIONMENT AND DISTRICTING COMMISSION IN 2007." The summary for the proposed amendment states:

Requires that state legislative and congressional districts be established in accordance with the provisions of the amendment to Article III, Section 16, creating an Apportionment and Districting Commission in 2007, provided that amendment is adopted by the electorate at the general election of 2006, and that elections for state legislative and congressional districts in 2008 shall be held pursuant to plans adopted by the Commission in 2007.

Article XI, section 3, Florida Constitution, provides in relevant part:

The power to propose the revision or amendment of any portion or portions of this constitution by initiative is reserved to the people, provided that, any such revision or amendment, except for those limiting the power of government to raise revenue, shall embrace but one subject and matter directly connected therewith.

The single-subject provision "is a rule of restraint designed to insulate Florida's organic law from precipitous and cataclysmic change." *Advisory Opinion to the Attorney General--Save Our Everglades*, 636 So. 2d 1336, 1339 (Fla. 1994); *Advisory Opinion to the Attorney General--Tax Limitation*, 644 So. 2d 486, 490 (Fla. 1994).

To comply with the single-subject requirement, an initiative must manifest a "logical and natural oneness of purpose." *Fine v. Firestone*, 448 So. 2d 984, 990 (Fla. 1984). This Court stated in *Advisory Opinion to the Attorney General--Restricts Laws Related to Discrimination*, 632 So. 2d 1018, 1020 (Fla. 1994), that "[t]o ascertain whether the necessary 'oneness of purpose' exists, we must consider whether the proposal affects separate functions of government and how the proposal affects other provisions of the constitution."

Section 101.161(1), Florida Statutes, provides in relevant part:

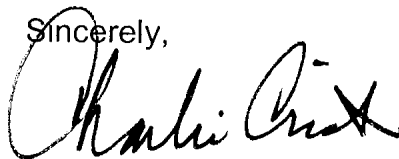
Whenever a constitutional amendment . . . is submitted to the vote of the people, the substance of such amendment . . . shall be printed in clear and unambiguous language on the ballot The wording of the substance of the amendment . . . shall be an explanatory statement, not exceeding 75 words in length, of the chief purpose of the measure. . . . The ballot title shall consist of a caption, not exceeding 15 words in length, by which the measure is commonly referred to or spoken of.

The Honorable Barbara J. Pariente
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This Court has stated "that the ballot [must] be fair and advise the voter sufficiently to enable him intelligently to cast his ballot." *Askew v. Firestone*, 421 So. 2d 151, 155 (Fla. 1982), *quoting*, *Hill v. Milander*, 72 So. 2d 796, 798 (Fla. 1954). While the ballot title and summary must state in clear and unambiguous language the chief purpose of the measure, they need not explain every detail or ramification of the proposed amendment. *Carroll v. Firestone*, 497 So. 2d 1204, 1206 (Fla. 1986). The ballot, however, must give the voter fair notice of the decision he must make. *Askew v. Firestone*, *supra* at 155. This Court has stated that the purpose of section 101.161, Florida Statutes, is to ensure that voters are advised of the amendment's true meaning.

Therefore, I respectfully request this Honorable Court's opinion as to whether the constitutional amendment, proposed by initiative petition, complies with Article XI, section 3, Florida Constitution, and whether the amendment's ballot title and summary comply with section 101.161, Florida Statutes.

Sincerely,

A handwritten signature in black ink, appearing to read "Charlie Crist", with a stylized flourish at the end.

Charlie Crist
Attorney General

CC/ts

cc: Ms. Glenda Hood
Secretary of State

The Honorable Jeb Bush
Governor, State of Florida

The Honorable Tom Lee
President, Florida Senate

The Honorable Allan G. Bense
Speaker, Florida House of Representatives

Mr. Mark Herron, Esquire
Committee for Fair Elections

Director, Division of Elections



CHARLIE CRIST
ATTORNEY GENERAL
STATE OF FLORIDA

OFFICE OF THE ATTORNEY GENERAL
Opinions Division

PL 01 The Capitol
Tallahassee, Florida 32399-1050
Telephone (850) 245-0158
Fax (850) 922-3969

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing has been furnished by U.S. Mail delivery this 29th day of September, 2005, to the following:

Mr. Mark Herron, Esquire
Committee for Fair Elections
215 South Monroe Street
Suite 701
Tallahassee, Florida 32302

I hereby certify that a true and correct copy of the foregoing has been furnished via interoffice mail delivery this 29th day of September, 2005, to the following:

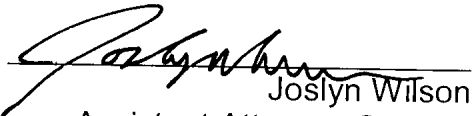
Ms. Glenda Hood, Secretary of State
attn: General Counsel

The Honorable Jeb Bush, Governor, State of Florida
attn: General Counsel

The Honorable Tom Lee, President, Florida Senate
attn: General Counsel

The Honorable Allan G. Bense, Speaker, Florida House of Representatives
attn: General Counsel

Director, Division of Elections


Joslyn Wilson
Assistant Attorney General

CONSTITUTIONAL AMENDMENT PETITION FORM

I am a registered voter of Florida and hereby petition the Secretary of State to place the following amendment to the Florida Constitution on the ballot in the general election:

NAME:

(Please print name as it appears on Voter I.D. Card)

STREET ADDRESS:

CITY:

ZIP:

COUNTY:

PHONE:

Email address:

Is this a change of address for voter registration? Yes ☐ No ☐

Date of birth: / / (or) Voter registration number:

Serial Number

Date Approved: 3-23-07

Name and address of paid circulator, if used: Name:

Home Address:

Circulator ID #

City:

State:

Zip:

X

SIGNATURE OF REGISTERED VOTER

DATE SIGNED

Political advertisement paid for by the

Committee for Fair Elections - 704 W. Madison Street - Tallahassee, FL 32304

A person who knowingly signs a petition for an issue more than one time commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083. Section 104.185, Fla. Stat.

Ballot Title:

IMPLEMENTATION OF APPORTIONMENT AND DISTRICTING COMMISSION IN 2007

Ballot Summary:

Requires that state legislative and congressional districts be established in accordance with the provisions of the amendment to Article III, Section 16, creating an Apportionment and Districting Commission in 2007, provided that amendment is adopted by the electorate at the general election of 2006, and that elections for state legislative and congressional districts in 2008 shall be held pursuant to plans adopted by the Commission in 2007.

Full Text:

Article XII, Section 26, Florida Constitution, is created to read:

Section 26. Implementation Schedule for Apportionment and Districting Commission.--If the proposed amendment to Article III, Section 16, establishing an Apportionment and Districting Commission is adopted by the electorate at the general election of 2006, 15 commissioners shall be certified by the respective appointing authorities, as provided for in Article III, Section 16(a) of that amendment, on or before March 1, 2007. Following certification of the members of the Commission by the respective appointing authorities, the Commission, on or before December 31, 2007, shall establish state legislative and congressional districts in the manner provided in Article III, Section 16. Elections for state legislative and congressional districts in 2008 shall be held pursuant to plans adopted by the Commission in 2007.



FLORIDA DEPARTMENT OF STATE
Glenda E. Hood
Secretary of State
DIVISION OF ELECTIONS

FILE COPY

March 23, 2005

Mr. Mark Herron, Esquire
Committee for Fair Elections
215 South Monroe Street
Suite 701
Tallahassee, Florida 32302

Re: Proposed Constitution Amendments

Dear Mr. Herron:

This office is in receipt of the petition form, ballot title, and ballot summary for the following proposed initiative amendments:

- Independent Nonpartisan Commission to Apportion Legislative and Congressional Districts Which Replaces Apportionment by Legislature, Serial Number 05-14
- Additional Standards to be Followed in Apportioning Legislative and Congressional Districts, Serial Number 05-15
- Implementation of Apportionment and Districting Commission in 2007, Serial Number 05-16

The Division of Elections approves this format which you submitted for the above referenced initiatives and copies are attached for your files. According to Florida Administrative Code Rule 1S-2.009(12), the Division of Elections shall assign serial numbers to approved petitions. Your petitions' serial numbers are noted above.

No review of the legal sufficiency of the text of these proposed amendments has been nor will be undertaken by the Division of Elections.

Committee for Fair Elections

March 23, 2005

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Please let me know if I can assist you further.

Sincerely,



Dawn K. Roberts, Esq.
Director

Enclosures (3)

cc: Supervisors of Elections w/copy of petitions
Ben Wilcox, Chairman



STATE OF FLORIDA
DEPARTMENT OF STATE
DIVISION OF ELECTIONS

Jeb Bush
Governor

Glenda E. Hood
Secretary of State

August 26, 2005

The Honorable Charlie Crist
Attorney General
State of Florida
PL 01, The Capitol
Tallahassee, Florida 32399-1050

Dear Attorney General Crist:

Re: Independent Nonpartisan Commission to Apportion Legislative and Congressional Districts Which Replaces Apportionment by Legislature, Serial Number 05-14

Section 15.21, Florida Statutes, provides that the Secretary of State shall submit to the Attorney General an initiative petition when a political committee has obtained ten percent of the signatures in one fourth of the Congressional Districts as required by Article XI of the Florida Constitution.

Section 16.061, Florida Statutes, provides that the Attorney General must then petition the Supreme Court for an advisory opinion regarding the compliance of the text of the proposed amendments, ballot titles and substance of the amendments to the State Constitution.

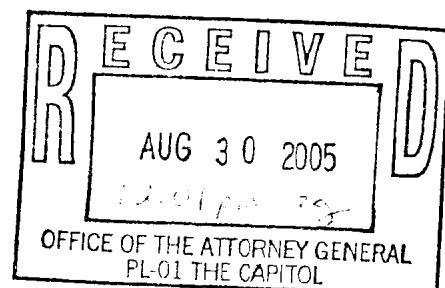
Committee for Fair Elections has successfully met the signature requirements for the initiative petition; therefore, I am submitting its proposed constitutional amendment, ballot title and substance of the amendment.

Sincerely,

Glenda E. Hood

Enclosures

cc: Mark Herron, Esquire
Ben Wilcox, Chairman
Committee for Fair Elections



FLORIDA DEPARTMENT OF STATE
DIVISION OF ELECTIONS

SUMMARY OF PETITION SIGNATURES

Political Committee: **Committee for Fair Elections**

Amendment Title: **INDEPENDENT NONPARTISAN COMMISSION TO APPORTION LEGISLATIVE A**

Congressional District	Voting Electors in 2004 Presidential Election	For Ballot 8% Required By Article XI, Section 3 Florida Constitution	For Review 10% Required By Section 15.21 Florida Statutes	Signatures Certified
FIRST	323,809	25,905	2,591	1,552
SECOND	337,536	27,003	2,701	10,458
THIRD	241,271	19,302	1,931	3,241
FOURTH	329,748	26,380	2,638	2,044
FIFTH	383,141	30,652	3,066	3,246
SIXTH	347,760	27,821	2,782	1,294
SEVENTH	361,882	28,951	2,896	2,164
EIGHTH	304,537	24,363	2,437	1,800
NINTH	347,542	27,804	2,781	4,851
TENTH	317,427	25,395	2,540	5,457
ELEVENTH	252,583	20,207	2,021	6,289
TWELFTH	288,747	23,100	2,310	1,739
THIRTEENTH	361,836	28,947	2,895	763
FOURTEENTH	362,767	29,022	2,903	834
FIFTEENTH	342,514	27,402	2,741	800
SIXTEENTH	336,559	26,925	2,693	341
SEVENTEENTH	217,008	17,361	1,737	3,410
EIGHTEENTH	237,720	19,018	1,902	569
NINETEENTH	329,334	26,347	2,635	2,706
TWENTIETH	291,803	23,345	2,335	1,965
TWENTY-FIRST	225,717	18,058	1,806	799
TWENTY-SECOND	327,279	26,183	2,619	974
TWENTY-THIRD	207,836	16,627	1,663	3,023
TWENTY-FOURTH	341,058	27,285	2,729	1,712
TWENTY-FIFTH	220,073	17,606	1,761	550
TOTAL:	7,637,487	611,009	61,113	62,581