SC19-1267 & SC19-1505 (CONSOLIDATED)

IN THE SUPREME COURT OF FLORIDA

ADVISORY OPINION TO THE ATTORNEY GENERAL RE: ALL VOTERS VOTE IN PRIMARY ELECTIONS FOR STATE LEGISLATURE, GOVERNOR, AND CABINET

ADVISORY OPINION TO THE ATTORNEY GENERAL RE: ALL VOTERS VOTE IN PRIMARY ELECTIONS FOR STATE LEGISLATURE, GOVERNOR, AND CABINET (FINANCIAL IMPACT STATEMENT)

ANSWER BRIEF OF REPUBLICAN PARTY OF FLORIDA IN OPPOSITION TO THE INITIATIVE

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SUMMARY OF THE ARGUMENT

The Proposed Amendment is clearly and conclusively defective for multiple reasons, any of which constitutes sufficient grounds for this Court to deny ballot placement.

First, the Proposed Amendment violates the Florida Constitution's single-subject requirement. The proposal makes three distinct changes to the elections for governor, the cabinet offices, and the state legislature, each of which is logically separable from the other. The Proposed Amendment also engages in the prohibited practice of "logrolling" separate subjects, which forces voters to vote in an "all or nothing" manner.

Additionally, the ballot title and summary are misleading and fail to accurately inform voters of the Proposed Amendment's chief purpose. Reading the title and summary together, even a well-informed voter would misunderstand the proposal to be opening the existing party primary system to all registered voters, regardless of party affiliation. But this is not so. Instead, the ballot title and summary employ familiar terms in an unfamiliar way to conceal and mislead as to the Proposed Amendment's chief purpose: *abolishing* Florida's longstanding party primary elections.

The proposal in fact eliminates party primary elections for certain offices, while repurposing the constitutional term "primary election" to refer to an entirely

different process for narrowing the field of candidates for these offices in the general election: a Top-Two "Jungle Primary." The ballot title and summary fail to adequately explain this significant constitutional change.

The ballot title is also facially defective under Florida law because it does not reflect the caption or title by which the proposal is commonly known. Further, the ballot title and summary fail to disclose the proposal's significant impacts on the existing rights of voters, candidates, and political parties.

The Court should deny ballot placement to the Proposed Amendment. If, however, the Court declines to prevent the Proposed Amendment's placement on the ballot, it should approve the fiscal impact statement as meeting the statutory requirements.

ARGUMENT

I. THE PROPOSED AMENDMENT VIOLATES THE FLORIDA CONSTITUTION'S SINGLE SUBJECT REQUIREMENT.

The single-subject requirement in article XI, section 3 of the Florida Constitution is a "rule of restraint" on the citizens' initiative process to allow the people to propose and vote upon "singular changes in the functions of our governmental structure." *Fine v. Firestone*, 448 So. 2d 984, 988 (Fla. 1984). A proposal violates the single-subject rule by addressing multiple subjects that lack a "logical and natural oneness of purpose." *Adv. Op. to Att'y Gen. re Voting*

Restoration Amend., 215 So. 3d 1202, 1206 (Fla. 2017). This standard prevents the prohibited practice of "logrolling" whereby "several separate issues are rolled into a single initiative in order to aggregate votes or secure approval of an otherwise unpopular issue." *In re Adv. Op. to Att'y Gen. re Save our Everglades*, 636 So. 2d 1336, 1339 (Fla. 1994). This Court requires "strict compliance" with the single-subject rule. *Fine*, 448 So. 2d at 989.

The Sponsor argues that the Proposed Amendment embraces the single subject of "conducting primary elections for state elective office regardless of party affiliation." (IB at 9). This is an overly broad and simplistic explanation, which fails to address each of the disparate component parts of the Proposed Amendment. *See Evans v. Firestone*, 457 So. 2d 1351, 1353 (Fla. 1984) ("[E]nfolding disparate subjects within the cloak of a broad generality does not satisfy the single-subject requirement.").

The Proposed Amendment actually makes three different changes to the elections for governor, the cabinet offices, and the state legislature: 1) it abolishes party primary elections in favor of a single "primary" election for all candidates for those offices; 2) it opens up the "primary" election for those offices to all registered voters regardless of party affiliation; and 3) it provides that only two candidates for those offices may advance to the general election. These three changes are logically separable and distinct from one another. Allowing all

registered voters to vote in primary elections does not require, and is not "directly connected" to, the abolition of party primary elections and their replacement with a single primary election for all candidates for a particular elected office. Art. XI, § 3, Fla. Const. And neither of those aspects of the Proposed Amendment necessitate the dramatic change the amendment would make to general elections in Florida.

Contrary to the Sponsor's argument, *who* can vote in a primary election and *how* primary and general elections are conducted are not "two sides of the same coin." (IB at 9). This Court has previously found a single-subject violation where a single initiative proposal attempted to change both *who* conducted Florida's decennial redistricting and *how* redistricting would be conducted. *Adv. Op. to Att'y Gen. re Indep. Nonpartisan Comm'n to Apportion Legislative & Cong. Districts Which Replaces Apportionment by Legislature*, 926 So. 2d 1218, 1225-26 (Fla. 2006). The Proposed Amendment violates the Florida Constitution's single-subject requirement for the same reason.

Combining these disparate subjects in a single amendment is also classic logrolling. For example, a voter considering the Proposed Amendment may favor a single nonpartisan primary for the governor or cabinet officers, but not for the members of the state legislature. Another voter may generally prefer the concept of allowing all registered voters to vote in primaries regardless of political affiliation while opposing the elimination of the existing party primary system. And another

voter may prefer opening up primaries to all registered voters while opposing limiting the general election ballot to only two candidates, which dramatically reduces the electoral opportunities of a third-party or NPA candidate. Despite the possibility of such divergent views, the Proposed Amendment "forces the voter who may favor or oppose one aspect of the ballot initiative to vote . . . in an 'all or nothing' manner." *Adv. Op. to Att'y Gen. re Right of Citizens to Choose Health Care Providers,* 705 So. 2d 565, 566 (Fla. 1998).

The Proposed Amendment violates the single-subject requirement by addressing disparate subjects in a single initiative and engaging in the prohibited practice of logrolling. This Court should deny ballot placement to the Proposed Amendment as a result of its constitutional deficiencies.

II. THE PROPOSED AMENDMENT'S BALLOT TITLE AND SUMMARY ARE MISLEADING AND DO NOT FAIRLY AND ACCURATELY INFORM VOTERS OF THE MEASURE'S CHIEF PURPOSE.

Section 101.161(1), Florida Statutes, sets forth clarity requirements for a proposed amendment's ballot title and summary to ensure the proposal is "accurately represented on the ballot." *Armstrong v. Harris*, 773 So. 2d 7, 12 (Fla. 2000). To satisfy the statutory requirements, this Court must determine whether the ballot title and summary 1) fairly and accurately inform the voter of the chief purpose of the amendment; and 2) are likely to mislead the public. *See, e.g., Adv.*

Op. to Att'y Gen. re Water & Land Conservation, 123 So. 3d 47, 50 (Fla. 2013). The ultimate purpose of these standards is "to provide fair notice of the content of the Proposed Amendment so that the voter will not be misled as to its purpose, and can cast an intelligent and informed ballot." *Adv. Op. to Att'y Gen. re Term Limits Pledge*, 718 So. 2d 798, 803 (Fla. 1998) (citation omitted). "Reduced to colloquial terms, a ballot title and summary cannot 'fly under false colors' or 'hide the ball' with regard to the true effect of an amendment." *Fla. Dep't of State v. Slough*, 992 So. 2d 142, 147 (Fla. 2008).

Remarkably, the Sponsor's sole argument for the validity of the Proposed Amendment's ballot title and summary is that their language tracks much of the language used in the text of the amendment itself. (IB at 13-15).This is not enough to satisfy the basic "truth in packaging" requirements. *Fla. Dep't of State v. Fla. State Conf. of NAACP Branches*, 43 So. 3d 662, 667 (Fla. 2010) *(*citing *Armstrong*, 773 So. 2d at 13). The ballot title and summary fail on several grounds as set forth below.

A. The Ballot Title and Summary fail to clearly and unambiguously disclose the Proposed Amendment's chief purpose: the abolition of party primary elections.

According to the Sponsor, the "chief, and sole, purpose" of the Proposed Amendment is "allowing all qualified registered voters to vote in primary elections for state elective office without regard to the party affiliation of voters and

candidates." (IB at 13-14). Although the Proposed Amendment accomplishes that purpose, it does so only incidentally. The true chief purpose and effect of the Proposed Amendment—the most significant constitutional change the initiative would introduce to Florida's longstanding elections process—is the abolition of the existing party primary system for certain offices. This is the true aim of the Proposed Amendment and its inadequately disclosed chief purpose. Because the ballot title and summary do not use clear and unambiguous language to fairly inform the voter of this chief purpose, this Court should deny ballot placement to the Proposed Amendment.

With its very first sentence, the ballot summary misleads voters by stating that it would "[a]llow all registered voters to vote in primaries for state legislature, governor, and cabinet regardless of political party affiliation." Reading this sentence in conjunction with the ballot title—"All Voters Vote in Primary Elections for State Legislature, Governor, and Cabinet"—even a well-informed voter would misunderstand the proposal to be opening the existing "closed" party primary system to all registered voters, regardless of party affiliation. By employing familiar terms in an unfamiliar way, the ballot title and summary conceal and mislead as to the Proposed Amendment's true chief purpose: *abolishing* Florida's longstanding party primary elections.

The 1998 Universal Primary Amendment used strikingly similar ballot summary language to provide for open primaries in limited circumstances.[1] Unlike the Universal Primary Amendment, however, the Proposed Amendment *eliminates* party primary elections for certain offices, while repurposing the constitutional term "primary election" to refer to an entirely different process for narrowing the field of candidates for these offices in the general election: a top-two primary. Because the ballot title and summary fail to adequately explain this constitutional change, the Proposed Amendment must be stricken from the ballot. *See Dep't of State v. Hollander*, 256 So. 3d 1300, 1307 (Fla. 2018).

B. The Ballot Title and Summary are unclear, ambiguous, and misleading in their use of the terms "primary elections," "primaries," and "party nominated candidates."

The ballot title and summary falsely suggest to voters that the Proposed Amendment would allow all voters to vote in Florida's *current* party primary

[1] In 1998, the voters adopted a narrow constitutional exception to Florida's longstanding closed party primary system. Under a proposal submitted to the electorate by the Constitution Revision Commission, "[i]f all candidates for an office have the same party affiliation and the winner will have no opposition in the general election, all qualified electors, regardless of party affiliation, may vote in the primary elections for that office." Art. VI, § 5(b), Fla. Const. The portion of the ballot summary describing this change stated that the proposal "allows all voters, regardless of party, to vote in any party's primary election if the winner will have no general election opposition . . . ." 1998 Proposed Amendment "Ballot Access, Public Campaign Financing, and Election Process Revisions", *available at*: https://dos.elections.myflorida.com/initiatives/initdetail.asp?account=11&seqnum=7 (last visited Oct. 16, 2019).

system by using terms such as "primary elections," "primaries," and "party nominated candidates." Stated differently, the ballot title and summary will mislead voters into believing the Proposed Amendment would simply expand the scope of the 1998 Universal Primary Amendment by opening party primary elections to all voters, regardless of party affiliation. Because the actual effect of the Proposed Amendment is radically different from that implied by its ballot title and summary, the proposal should be denied ballot placement.

Under existing law, a primary election for partisan offices is not simply an election before the general election. For more than a century, the essential purpose of Florida's primary elections has been to select each party's nominees for the general election. Yet the true effect of the Proposed Amendment is concealed from the voters by the use of the familiar term "primary" in the ballot title and summary. If the Proposed Amendment were to be adopted, the same constitutional term—"primary"—would have a different meaning in current section 5(b) of Article VI than it would in the newly enacted section 5(c).

The ballot summary also misleads by stating that "party nominated candidates" will appear on the primary ballot. Nothing in the text of the Proposed Amendment protects the existing right of Florida's 9.8 million voters who are affiliated with a political party to nominate their respective political parties' standard bearers in the general election. The Sponsor may contend that the

Proposed Amendment does not prohibit a political party from "nominating" a candidate through some process other than the primary election, but nothing in the ballot summary provides fair notice to the voters of this unusual use of the term "party nominated." Without a clear explanation, a reasonable voter would understand a "party nominated" candidate to be one who has been nominated by a political party through the same process that has been used to nominate candidates for decades in Florida. But that voter's reasonable understanding would be wrong.

The Proposed Amendment radically redefines the nature of a "primary election" in Florida, but conceals that effect using familiar terms in unfamiliar ways. This Court in *Slough* criticized the practice of crafting ballot titles and summaries by using "misleading 'wordsmithing' . . . in an attempt to persuade voters to vote in favor of [a] proposal." 992 So. 2d at 149. The Sponsor here has engaged in precisely the sort of wordsmithing condemned by this Court by using ballot title and summary language that describes the existing partisan primary process to describe the dismantling of that same process. The Proposed Amendment should be denied ballot placement.

C. The Ballot Title is misleading and does not reflect the caption or title "by which the measure is commonly known or referred to."

Every proposed constitutional amendment must include both a ballot title and a ballot summary. § 101.161(1), Fla. Stat. The ballot title must be "a caption,

not exceeding 15 words in length, by which the measure is commonly referred to or spoken of." *Id.* Together with the ballot summary, the ballot title plays a critical role in ensuring that voters are able to cast an informed ballot.

The ballot title proposed by the Sponsor here violates section 101.161 because it does not identify the Proposed Amendment for the voter in the manner required by law. Put simply, the Proposed Amendment is not "commonly referred to or spoken of" as the "All Voters Vote in Primary Elections for State Legislature, Governor, and Cabinet" initiative. Instead, the Proposed Amendment is being commonly referred to by as many as four different names—"Open Primary," "Jungle Primary," "Top-Two Primary," and "Wide Open Primary." *See, e.g.*, A.G. Gancarski, *"Open primaries" effort has now raised more than $6 million for initiative campaign*, FloridaPolitics.com (July 10, 2019); Brett Batten, *"Jungle" primary ballot amendment nearing signature goal*, Naples Daily News (Sept. 19, 2019); Jacob Ogles, *Little support found among voters for top two, open primary initiative*, FlaPolitics.com (Oct. 11, 2019); Scott Maxwell, *It's time for Florida to change the way we vote in primaries*, Orlando Sentinel (Oct. 11, 2019) (referring to initiative as creating "wide-open primaries").

The failure of the ballot title to accurately identify the Proposed Amendment for the voters by using the name by which the measure is commonly known renders the initiative legally defective and risks voter confusion. Voters who have

educated themselves regarding the many policy flaws in other states with the "jungle primary" or "top-two primary" systems may not connect those concerns with a proposal deceptively titled "All Voters Vote in Primary Elections for State Legislature, Governor, and Cabinet." Because the Proposed Amendment's ballot title is misleading and violates section 101.161(1), it should be denied ballot placement.

D. The Ballot Title and Summary fail to disclose the Proposed Amendment's significant impacts on the existing rights of voters, candidates, and political parties.

Finally, the ballot title and summary fail to disclose to voters that the Proposed Amendment will significantly restrict or burden existing rights of voters, candidates, and political parties. Failure to disclose these impacts renders the ballot title and summary defective.

First, nothing in the ballot title or summary informs voters that the Proposed Amendment strips Floridians of the important and cherished constitutional right to associate with a particular political party. *See, e.g.*, *Cal. Democratic Party v. Jones*, 530 U.S. 567, 574 (2000) (explaining that the First Amendment protects "the freedom to join together in furtherance of common political beliefs" (citation omitted)); art. I, § 5, Fla. Const. (guaranteeing Floridians "the right peaceably to assemble). Although the text of the amendment states that nothing prohibits a political party from nominating or endorsing a candidate, the summary does not

adequately inform the voter that members of political parties will no longer be able to winnow down a list of candidates through the party primary process and choose the candidate that best represents their party's ideas and values to appear on the general election ballot. The Proposed Amendment also fails to disclose that a voter will have no way of knowing from the ballot that a candidate has been party nominated—information the voter has today on the face of the ballot. Voters should be informed of the rights they would be relinquishing as members of a political party when voting on the Proposed Amendment.

Second, without any notice to the voter, the Proposed Amendment also diminishes the existing rights of NPA, minor party, and write-in candidates to appear on the general election ballot by throwing them into the "jungle primary" and limiting the general election to only the top two candidates. Currently, NPA and write-in candidates have automatic access to the general election ballot after qualifying. *See* §§ 99.061, 99.0955, Fla. Stat. And the Florida Constitution explicitly protects minor party candidates and their access to the ballot. *See* art. VI, § 5(b), Fla. Const. Under the Proposed Amendment, NPA, minor party, and write-in candidates will only have access to the general election ballot if they are one of the "two-highest vote getters." In most races, the "two-highest vote getters" will be candidates from one or both of the major political parties. This creates a substantial

disadvantage that is not disclosed anywhere in the Proposed Amendment's ballot title and summary.

Because the Proposed Amendment does not adequately explain its effect on the rights of political parties and their members, or on candidates not affiliated with a political party, the Proposed Amendment should be denied ballot placement.

III. THE FINANCIAL IMPACT STATEMENT SATISFIES THE STATUTORY REQUIREMENTS AND SHOULD BE APPROVED BY THIS COURT.

In addition to the requirements for the ballot title and summary described above, every amendment proposed by initiative must also include "a separate financial impact statement ["FIS"] concerning the measure prepared by the Financial Impact Estimating Conference ["FIEC"]." § 101.161(1), Fla. Stat.; *see also* art. XI, § 5(c), Fla. Const. (requiring legislature to make "provision for a statement to the public regarding the probable financial impact" of an initiative). The FIS is placed on the ballot after the title and summary of the proposed amendment. § 101.161(1), Fla. Stat.

The FIS must include three things: 1) the "estimated increase or decrease in any revenues or costs to state or local governments; 2) the "estimated economic impact on the state and local economy; and 3) the "overall impact to the state budget resulting from the proposed initiative." § 100.371(13)(a), Fla. Stat.

Additionally, the FIS must be "clear and unambiguous" and "no more than 150 words in length." *Id.* § 100.371(13)(c)2.

This Court's review of the FIS is "narrow." *See, e.g.*, *Adv. Op. to Att'y Gen. re Voter Control of Gambling*, 215 So. 3d 1209, 1217 (Fla. 2017); *Water & Land Conservation*, 123 So. 3d at 52. Under this limited review, the Court's duty is "to ensure that [the FIS] is clear and unambiguous and in compliance with Florida law." *Voter Control of Gambling*, 215 So. 3d at 1217 (citation omitted). Just as with the ballot title and summary, the FIS must not be misleading. *See, e.g.*, *Adv. Op. to Att'y Gen. re Standards for Establishing Legislative Dist. Boundaries*, 2 So. 3d 161, 164 (Fla. 2009) ("[W]e have an obligation to review the ballot *as a whole* to ensure that no part of the ballot—which includes the [FIS]—is misleading.").

The Sponsor challenges the FIS on four grounds, none of which provide a basis for invalidating the FIS. First, the Sponsor argues that any increased cost could only be attributed to "a higher level of voter participation." (IB at 18). Contrary to the Sponsor's assertion, nothing in the Initiative Financial Information Statement provided by the FIEC[2] indicates that the estimated increase in costs for

[2] The Initiative Financial Information Statement ("Information Statement") was prepared by the FIEC to "describe in greater detail than the [FIS] any projected increase or decrease in revenues or costs . . . ." § 100.371(13)(e)3., Fla. Stat. This statement was transmitted to this Court by the Attorney General in her request for an advisory opinion.

local governments is solely due to "a higher level of voter participation." Attributing increased costs to increased voter participation would contradict the Sponsor's own written information provided to the FIEC that stated "the number of [primary] ballots is not expected to be materially different than the number of those in use now." (Information Statement at p. 3).

In fact, many county supervisors of elections predicted that the costs associated with implementing the Proposed Amendment would come from increased ballot sizes and the need for voter education on the new primary election for state offices.[3] Therefore, telling voters that increased costs would be due *solely* to greater voter participation would actually render the FIS misleading because that assertion is not borne out in the analysis conducted by the FIEC. The Sponsor may disagree with the FIEC's decision to state that "the proposed amendment will result in additional local government costs to conduct elections in Florida," but that

[3] *See* Information Statement pp. 9-11 (Aug. 23, 2019) (Citrus County SOE – "Ballot size for a primary election is a concern. . . . The cost to educate the voters on the changes could be significant."; Columbia County SOE – "Large number of candidates will cause increased ballot size."; Flagler County SOE – "[T]he increased ballot page(s) themselves will have a significant cost impact for mass production for early voting and Election Day, increased postage cost for mailing Vote-By-Mail ballots and finally, the compilation of results."; Hernando County SOE – "Voter education and a lengthier ballot will increase election costs."; Levy County SOE – "Voter education and a lengthier ballot will cost approximately $10,000 extra per election."; Santa Rosa County SOE – "Costs of ballot printing and mailing could double.").

statement is not inaccurate and this Court has no authority to strike a FIS because it does not agree with the conclusions made by the FIEC. *See Standards for Establishing Legislative Dist. Boundaries*, 2 So. 3d at 166 (Wells, J., dissenting); *In re Adv. Op. to Att'y Gen. re Referenda Required for Adoption of Local Gov't Comprehensive Land Use Plans*, 992 So. 2d 190, 194 (Fla. 2008) (Wells, J., dissenting).

The first and last sentences of the FIS do not render it misleading either.[4] The first sentence of the summary states it is "probable" there will be additional local government costs to conduct elections in Florida. This is backed up by data gathered by the FIEC from county supervisors of elections, estimating additional costs for some counties and no additional costs for others.[5] In other words, based on the FIEC data, some individual counties will experience increased costs from implementing the Proposed Amendment and some will not. Therefore, stating that it is "probable" that a local government will experience additional costs takes into account those counties that reported no anticipated increased costs and those that

[4] "It is probable that the proposed amendment will result in additional local government costs to conduct elections in Florida. . . . While the proposed amendment will result in an increase in local expenditures, this change is expected to be below the threshold that would produce a statewide economic impact."

[5] *See* Information Statement at p. 1, ("Based on a survey of the county supervisors of elections in Florida conducted by the Financial Impact Estimating Conference, it is probable that the proposed amendment will result in additional local government costs to conduct elections.")

reported some. The last sentence of the FIS does not conflict with the first, because the last sentence is addressing whether *all* of the local government expenditures will produce a statewide economic impact. Based on the survey data received from county supervisors, "the proposed amendment will result in an increase in local expenditures," but it is not enough to "produce a statewide economic impact."

Further, the Sponsor asserts that the intended effect of the Proposed Amendment is to increase the number of voters eligible to participate in certain primary elections. *See* (IB at 13-14). Accordingly, the Sponsor acknowledges that, "[i]t is reasonable to assume that a proposal intended to allow millions of Floridians to participate in elections currently unavailable to them could require greater expenditure than reflected in current budgets." (IB at 15). The way the FIS is written is an accurate representation of the financial impact of the Proposed Amendment based on implementing costs reported by county supervisors and its intended effect of increasing voter participation. *Compare Adv. Op. to Att'y Gen. re Referenda Required for Adoption & Amendment of Local Gov't Comprehensive Land Use Plans*, 963 So. 2d 210, 215 (Fla. 2007) (concluding portion of FIS was misleading because "the apparent purpose of the proposed amendment is to *limit* the amount of revisions to a county's or a city's comprehensive land use plan . . . [but the FIS] assumes that the proposed amendment will not have its intended effect.").

Finally, the FIEC's projection that "the combined costs across counties will range from $5.2 million to $5.8 million" is not confusing, ambiguous or misleading. The language in the FIS makes it clear that this is the estimated ***total*** increase in costs statewide. Indeed, the Sponsor is correct that some counties may bear a greater burden of the increased cost to conduct elections under the Proposed Amendment, but nothing in section 100.371(13) or this Court's case law requires the FIS to breakdown its estimate county by county as suggested by the Sponsor. Similarly, the FIEC's estimation that there will be an overall increase in costs to local governments necessarily includes the likelihood that some counties will have no additional costs while some may have reduced expenditures. The FIS need not include every detail of the FIEC's analysis in order to be deemed clear and unambiguous. *See generally Adv. Op. to Att'y Gen. re Fla. Growth Mgmt. Initiative*, 2 So. 3d 118, 125 (Fla. 2008) (determining that FIS was "necessarily indefinite but not unclear or ambiguous").

The FIS for the Proposed Amendment meets the requirements of section 100.371(13) and is clear and unambiguous. If this Court approves the Proposed Amendment for placement on the ballot, it should also approve the FIS as currently written.

CONCLUSION

The Proposed Amendment violates the single-subject requirement, and its ballot title and summary are defective and will affirmatively mislead the voters in several different ways concerning the measure's chief purpose. This Court should find the Proposed Amendment invalid and prohibit it from being placed on the ballot. If this Court declines to prevent the Proposed Amendment's placement on the ballot, it should approve the fiscal impact statement as meeting the statutory requirements.

Respectfully submitted,

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CERTIFICATE OF SERVICE AND COMPLIANCE

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