

cast an intelligent and informed ballot.” *Rights of Electricity Consumers*, 188 So. 3d at 831 (quotation omitted). The ballot title and summary “need not explain every detail or ramification of the proposed amendment.” *Id.* (quoting *Prop. Tax Cap, Unless Voter Approved*, 2 So. 3d 968, 974 (Fla. 2009)); *see also Right to Treatment & Rehab*, 818 So. 2d 491, 498 (Fla. 2002) (finding “it would have been impossible for the sponsors to include such detailed language concerning pre-existing programs”). Here, the ballot title and summary clearly advise voters of the amendment’s chief purpose and that the process for electing members of the designated state elective offices will be conducted differently than it has been in the past—*i.e.*, regardless of the voters’ or candidates’ political party affiliation; to wit:

TITLE: All Voters Vote in Primary Elections for State Legislature, Governor, and Cabinet

SUMMARY: Allows all registered voters to vote in primaries for state legislature, governor, and cabinet regardless of political party affiliation. All candidates for an office, including party nominated candidates, appear on the same primary ballot. Two highest vote getters advance to general election. If only two candidates qualify, no primary is held and winner is determined in general election. Candidate’s party affiliation may appear on ballot as provided by law. Effective January 1, 2024.

See also, All Voter’s Vote IB, pp. 13-14 (chart comparing proposed amendment text and ballot language).

A plain reading of that text reveals that all voters can vote in a primary for a designated state elective office where all candidates for such office appear on the

same ballot, and which ballot may include “party nominated candidates” (*i.e.*, those selected by the parties in separate pre-All Voters Vote primary process).⁴ The language clearly informs voters that these primaries will not be used to select party nominees for the general election.

b. Use of the Terms “Primary,” “Primary Election,” and “Party Nominated Candidates” Is Not Confusing.

The RPOF and FDP contend that voters will be misled by the proposal’s use of the terms “primary,” “primary election,” and/or “party nominated candidates.” *See RPOF AB*, pp. 8-10; *FDP AB*, pp. 9-10. The two major political parties labor under the misconception that “primary” or “primary election” only mean the selection of party nominees. This is not so. For example, non-partisan county commission or municipal races have primary elections that are not used to select a party nominee but, rather, select those candidates who will face off in the general election.⁵ *See, e.g.*, § 100.081, Fla. Stat. (“The **primary election** shall provide for

⁴ A party’s separate nominating process must necessarily occur separate from and prior to the All Voters Vote primary in order for the party selected candidates to appear on the primary ballot.

⁵ Numerous counties in Florida hold non-partisan primary elections for county officers that do not determine a party’s nominee (*e.g.*, Columbia County, Dixie County, Leon County, Miami-Dade County, Orange County, Pinellas County, St. Johns County, St. Lucie County, Taylor County, Volusia County, and Wakulla County). Similarly, the vast majority of Florida’s 412 municipalities hold non-partisan primaries that do not determine a party’s nominee for city council or commission. One standout, the City of Jacksonville, holds a partisan “first election” prior to the general election for city council. However, like its non-partisan primary

the nomination of county commissioners by the qualified electors of such county at the time and place set for voter on other county officers.”); Leon County Code § 2.2 (“Elections for all seven (7) members of the County Commission shall be non-partisan.”); *id.* § 3.2 (“Non-Partisan Election Procedures. If three or more candidates ... qualify for such office, the names of those candidates shall be placed on a non-partisan ballot at the first **primary election**....”); City of Tallahassee Code § 7-6 (“If two or more persons qualify as candidates ... for any of the places to be filled, then a municipal **primary election** shall be held....”). Those primaries are held on the same day as the state’s other primary elections. *See, e.g.,* City of Tallahassee Code § 7-4 (“The municipal primary election ... shall be held on the same date as the state’s primary election.”).⁶ Thus, Florida law recognizes that the terms “primary” and “primary election” are not reserved exclusively to denote the selection of party nominees. More importantly, and contrary to the Opponents’ claims, Florida voters

counterparts, that first election does not determine a party’s nominee. Rather, all candidates appear on the same ballot regardless of party affiliation, and all voters can vote in that first election regardless of party affiliation. If no candidate wins a majority of the votes, the top two highest vote getters advance to the general election. City of Jacksonville Code § 350.102. Thus, when comparing municipal and county elections to the designated state elective offices here, the overwhelming majority of primary elections in Florida do not determine a party’s nominee for the general election.

⁶ The Florida Election Code applies to those municipal primaries. §100.3605, Fla. Stat.; *see also* City of Tallahassee Code § 7-1 (“All municipal primary elections ... shall be held and conducted according to the laws of the state”).

commonly understand and regularly participate in primary elections that do not determine party nominees. *See* note 5, above; *see also Protect People from Health Hazards of Second-Hand Smoke*, 814 So. 2d 415, 419 (Fla. 2002) (explaining that this Court’s precedent “presumes that the average voter has a certain amount of common understanding and knowledge” based on their practical experience).

Having incorrectly contended that the word “primary” implicitly means “party primary,” Opponents argue that the ballot language misleads voters about the consequence of the amendment. This argument fails for two reasons. *First*, this Court has rejected similar arguments numerous times, recognizing that the purpose of the ballot summary is to advise voters of the proposed amendment’s chief purpose and not to describe in detail express provisions of law that would or might be changed, or possible future effects that might be occasioned, by the amendment. *Prohibiting Public Funding of Candidates’ Campaigns*, 693 So. 2d 972 (Fla. 1997) is instructive. There, the proposal sought to prohibit public financing of campaigns for specified state elective offices. The opponents argued that the ballot summary was misleading because it failed to advise voters that “the amendment effectively invalidates existing statutory law permitting the public financing of the campaigns for some of the offices at issue ... [and] puts voters in the position of voting on something that has significant collateral effect, of which the voters may be unaware.” 693 So. 2d at 975-76. The Court rejected that contention, finding that the plain

language of the ballot title and summary “expresses the chief purpose of the amendment.” *Id.* at 976; *see also Right to Treatment & Rehab*, 818 So. 2d 491, 498 (Fla. 2002) (finding “it would have been impossible for the sponsors to include such detailed language concerning pre-existing programs”); *Grose v. Firestone*, 422 So. 2d 303, 305 (Fla. 1982) (rejecting contention that the ballot title and summary provide “an exhaustive explanation reflecting [the Opponents’] interpretation of the amendment and its possible future effects.”).

Second, and more fundamentally, the argument fails because the plain text of the ballot language clearly discloses how the primary process will work under the All Voters Vote Amendment and that the process will not be used to select party nominees.⁷ This is seen in the first two sentences of the ballot summary. The first sentence states that the amendment “allows all registered voters to vote in primaries for the [designated offices], regardless of political party affiliation.” The second sentence states that “[a]ll candidates for an office, including party nominated candidates, appear on the same ballot.” Use of the words “party nominated candidates” tells voters that there may be a separate process by which political parties can nominate their own candidates for the All Voters Vote primary separate

⁷ The ballot summary clearly lays out how the primary process will work under the proposed amendment thus defining what “primary” means in this specific context. There is thus no need to have an “express acknowledgement of the changed definition” as argued by the FDP. *FDP AB*, p. 10. *See Prohibiting Public Funding*, 693 So. 2d at 975-76.

from and prior to that primary in order for such party nominated candidates to appear on the primary ballot with the other candidates.

The RPOF's claimed confusion over the term "party nominated candidates" is of no moment. That phrase is not statutorily defined nor is it a legal term of art. Rather, it merely means what the plain language indicates: candidates that are nominated by a party. It means no more and no less. The term is not qualified as to how that nomination is to be determined because the proposed amendment does not attempt to tell political parties how they are to select their own candidates.⁸

c. The Ballot Title is Not Misleading.

The RPOF makes the novel assertion that the ballot title is misleading because it is "not a 'caption ... by which the measure is commonly referred to or spoken of' as required by §101.161(1), Fla. Stat." Tellingly, the party fails to identify a single case to support its claim—because no such case exists. The RPOF grasps at parsing the statute and impermissibly divorces the ballot title and summary in violation of the body of this Court's Section 101.161 jurisprudence. The title informs how this measure is presented by the Sponsor to Florida voters through the ballot language

⁸ Any suggestion that the ballot summary should contain definitions of terms that can readily be discerned by the plain text is not well founded for the additional reason that the summary is limited to 75 words. *Right to Treatment & Rehab.*, 818 So. 2d at 498 ("Although a 'perfectly' drafted summary might mention this self-effectuating provision, imperfection is not necessarily fatal given the seventy-five word statutory maximum.").

and the public campaign that will follow should this Court approve the proposal for the ballot.⁹ It matters not what a particular primary system might be called in other states.

Regardless, the RPOF's contortion violates this Court's consistent admonition that "the ballot title and summary may not be read in isolation, but must be read together...." *Universal Pre-K Educ.*, 824 So. 2d 161, 166 (Fla. 2002)); *see also Dep't of State v. Fla. Greyhound Ass'n, Inc.*, 253 So. 3d 513, 520 (Fla. 2018) ("We read the ballot title and summary as a single text to determine what a reasonable voter would understand it to say.") (citing *Reduce Class Size*, 816 So. 2d 580, 585 (Fla. 2002)). As discussed above, the plain text of the ballot title and summary clearly advise voters of the proposed amendment's chief purpose as required by this Court's review under §101.161(1).

⁹ Prior to any public campaign, the initiative before this Court is commonly referred to as "All Voters Vote" as has been regularly reflected in public media accounts. *See, e.g.*, Phil Buck, "Welcome to the Jungle: Should Florida Have Open Primaries?" (Oct. 2, 2019) (available at: <https://www.wtsp.com/article/news/politics/florida-closed-primary-election-constitutional-amendment-attorney-general-ashley-moody/67-b27e6a87-e936-49ce-ade9-7332e2afa789>); M. Kiniry, "All Voters Vote Ballot Initiative Looks to End Florida's Closed Party Primary System," WGCU (Sept. 30, 2019) (available at: <https://news.wgcu.org/post/all-voters-vote-ballot-initiative-looks-end-floridas-closed-party-primary-system>). As well as some cited by the party, *see, e.g.*, Brent Batten: " 'Jungle' Primary Ballot Amendment Nearing Signature Goal," Naples Daily News (Sept. 19, 2019) (available at: <https://www.naplesnews.com/story/news/columnists/brent-batten/2019/09/19/brent-batten-jungle-primary-ballot-amendment-nearing-signature-goal/2366598001/>).

d. The Amendment’s Effect on the Rights of Voters, Candidates, and Political Parties is Fairly Stated.

The RPOF also claims that the ballot title and summary “fail to disclose significant impacts on rights of voters, candidates, and political parties.” *RPOF AB*, p. 12-14. While the proposed amendment clearly improves the right of non-affiliated voters to participate in the selection of state officials, it does not do so at the expense of any undisclosed interests. The proposed amendment does not burden, much less impermissibly burden, the right to associate with a particular political party. What it does do is beyond the scope of the Court’s narrow inquiry here and is not justiciable. *Grose*, 422 So. 2d at 306 (“Appellants’ argument that the substance of the amendment is unconstitutional is not a justiciable issue in this case....”). Under the All Voters Vote Amendment people remain free to join political parties and those parties remain free to nominate, endorse, or otherwise support candidates of their own choosing. *Proposed Am.*, subsec. (c)(4).¹⁰

In any event, as the U.S. Supreme Court has consistently held, such rights are not absolute and can be regulated by the state. *See, e.g., Burdick v. Takushi*, 504 U.S. 428, 433 (1992) (“It does not follow, however, that the right to vote in any manner and the right to associate for political purposes through the ballot are

¹⁰ Indeed, for federal and local constitutional offices, the existing system for electing office holders, including partisan primaries that exclude nearly 30% of Florida’s electors, will continue.

absolute.”).¹¹ As relevant here, and described in the ballot summary, a RPOF nominated candidate for one of the designated offices must compete in the All Voters Vote primary and, if she is one of the top two vote getters, will advance to the general election. The ballot title and summary clearly inform voters as to how elections for State Legislature, Governor, and Cabinet will be regulated should the All Voters Vote Amendment be adopted.

The RPOF also claims that the “Proposed Amendment also fails to disclose that a voter will have no way of knowing that a candidate has been party nominated or endorsed—information the voter has today on the face of the ballot.” *RPOF AB*, p. 13. That argument assumes that the Legislature would want voters to be denied such information. This is so because the proposed amendment does not change that body’s ability to appropriately and accurately advise voters of party affiliation via the ballot. The proposed amendment’s plain text provides that a “candidate’s affiliation with a political party may appear on the ballot as provided by law.” *Proposed Am.*, subsec. (c)(4). “Affiliation” means “a connection with a political party.”¹² The operative phrase— a “candidate’s affiliation with a political party may

¹¹ In *Burdick*, the U.S. Supreme Court upheld Hawaii’s prohibition on write-in candidates, noting that the “mere fact that a State’s system creates barriers ... tending to limit the field of candidates from which voters might choose ... does not itself compel close scrutiny.” *Burdick*, 504 U.S. at 433 (internal quotation omitted).

¹² Cambridge Dictionary, available at: <https://dictionary.cambridge.org/us/dictionary/english/affiliation>.

appear on the ballot as provided by law”—is purposefully and appropriately broad enough to encompass both a party’s nomination and endorsement. This is bolstered by its placement immediately following the text providing that nothing in the amendment shall prohibit a political party from nominating a candidate to run for office under this subsection nor prohibit a political party from otherwise endorsing or supporting a candidate. Thus, the RPOF’s premise does not hold up. More importantly, in the end, the ballot summary clearly conveys that provision of the proposed amendment to voters. *See* Ballot Summary (“Candidate’s party affiliation may appear on ballot as provided by law.”). That the Legislature might fail to provide the means to advise voters of candidates’ party affiliation on the ballot does not render the ballot title and summary defective. *Grose*, 422 So. 2d at 305 (rejecting contention that the ballot title and summary provide “an exhaustive explanation reflecting [the Opponents’] interpretation of the amendment and its possible future effects.”).

Last, the RPOF claims: “Without notice to the voter, the Proposed Amendment also diminishes the 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.” *RPOF AB*, p. 13. The ballot summary is abundantly clear: “all candidates for an office ... appear on the same primary ballot” and only the “[t]wo highest vote getters advance to the

general election.” There can be no misunderstanding that only the top two highest vote getters will advance to the general election, regardless of whether they are a major party, minor party, NPA, or write-in candidate.

Deflecting from this clear disclosure, the party recasts the issue as one of ballot access that disadvantages NPA, minor party, or write-in candidates. However, there is no constitutionally guaranteed right of any party or candidate to automatically appear on the general election ballot. *Burdick*, 504 U.S. at 433; *see also Wash. State Republican Party v. Wash. State Grange*, 676 F.3d 784 (9th Cir. 2012) (finding that a top two primary system did not impose a severe burden on minor party’s fundamental right of access to the ballot because the system gave major- and minor-party candidates equal access to the primary and general election ballots). Indeed, “[t]he First Amendment does not give political parties a right to have their nominees designated as such on the ballot.” *Wash. State Grange v. Wash. State Republican Party*, 552 U.S. 442, 453, n.7 (2008) (citations omitted).

Ultimately, these arguments are irrelevant because: (i) any claimed impact on ballot access is not justiciable here, *Grose*, 422 So. 2d at 306; and (ii) as noted, the ballot summary makes clear to all that only the top two vote getters in the primary will advance to the general election—regardless of whether they are major, minor, NPA, or write-in candidates.

e. The FDP's Comparison to Washington State Is Irrelevant, Misleading, and of No Avail.

The FDP points to a 2004 initiative in Washington State as a model of clarity in order to argue that the ballot language here is deficient. That Washington initiative is irrelevant here because this Court's inquiry is whether the ballot title and summary at issue satisfies Florida law under Section 101.161(1). As detailed above, the Sponsor submits that the ballot language clearly describes the amendment's chief purpose and is not misleading.

Moreover, the FDP's argument is misleading. That Washington Attorney General's summary, quoted by the party, does not appear on the ballot. Instead, an initiative ballot in Washington State consists of: (i) a ballot title not exceeding 10 words; (ii) a concise description of the measure not exceeding 30 words; and (iii) a question to the voter asking whether the measure should be enacted. *See* RCW 29A.72.050. A sample ballot from the 2004 Washington State general election confirms that the attorney general summary quoted by the FDP does not appear on the ballot. (A.5).¹³ Regardless, the Court need not look beyond the plain text of the All Voters Vote ballot language in order to conclude that Section 101.161(1) has been satisfied.

¹³ The sample ballot, showing initiative number 872 is available at: <https://wei.sos.wa.gov/county/spokane/en/archives/Pages/New-Sample-Ballot-Page.aspx> (last accessed 10/28/2019), then click on "November 2, 2004 General Election."

II. The Single-Subject Requirement is Satisfied.

a. The All Voters Vote Amendment Has a Logical and Natural Oneness of Purpose.

Contrary to the Opponents' claims, the All Voters Vote Amendment embraces a single subject: conducting primary elections for the specified state elective office regardless of party affiliation. To achieve this singular purpose, the proposed amendment provides that all registered voters can vote in such primaries regardless of party affiliation, that candidates qualifying for the office at issue appear on the same ballot regardless of their party affiliation, and that the two candidates receiving the highest number of votes advance to the general election. Because it is possible that candidates from numerous political parties may appear on the same primary ballot, the proposed amendment provides that a candidate's party affiliation, including nomination or endorsement, may appear on the ballot as provided by law.¹⁴

The RPOF incorrectly claims that the proposed amendment lacks a logical and natural oneness of purpose because it makes "three distinct changes" to the elections for the affected offices:

- 1) it abolishes party primary elections in favor of a single primary 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

¹⁴ The proposed amendment leaves it to the Legislature to determine whether and how a candidate's party affiliation is to be reflected on the primary ballot. Because political parties remain free to nominate or endorse their own candidates for the primary (proposed subsec. (c)(4)), the Legislature is also free to determine whether and how such affiliation will appear on the ballot.

3) it provides that only two candidates for those offices may advance to the general election.

RPOF AB, p. 3. This argument fails because the first and second points are essentially the same thing—the proposal changes the nature of the primaries by allowing all voters to vote, regardless of party affiliation; that change necessarily requires combining all candidates for one of the designated offices on the same primary ballot. Similarly, the purpose of the primary is to select, or winnow down, primary candidates for the general election. The top two requirement to advance is merely a requisite—and natural and logical—consequence of the primary. Otherwise, if all primary candidates advanced to the general election, the primary would be meaningless.

The RPOF's reliance upon *Independent Nonpartisan Comm'n*, *RPOF AB*, p. 4, is misplaced as that case supports the Sponsor's position here. There, opponents argued that the proposed amendment joined numerous issues, *e.g.*, (1) creating the new redistricting commission while also establishing new redistricting standards, (2) altering the way state and congressional districts are created, including judicial apportionment if the commission fails to do so, and (3) adding a new qualification for legislators. *Indep. Nonpartisan Comm'n*, 926 So.2d 1218, 1225-26 (Fla. 2006). While this Court agreed that combining the creation of the new commission and the new redistricting standards were two separate subjects, *id.*, it concluded:

The **other provisions** of the proposed amendment **exhibit “a natural relation and connection as component parts or aspects of” the new method** proposed for apportionment. These provisions **explain the composition** of the commission, **specify the apportionment process**, and **provide for judicial apportionment** if the commission fails to complete its duty.

Id. at 1226 (emphasis added). Similarly, here, the All Voters Vote Amendment establishes (i) that primary elections for the designated state elective offices will be conducted without regard to party affiliation (allowing all voters to vote), (ii) the process by which the primaries will be held (all candidates for a designated office appear on the same ballot), and (iii) the consequence of those primaries (the top two vote getters advance), thereby exhibiting “a natural relation and connection as component parts or aspects of” the new method proposed for said primaries. *Id.*

b. The All Voters Vote Amendment Does Not Logroll.

Because the proposal’s “various provisions are all directly connected to the amendment’s purpose[,]... its dominant plan or scheme [of conducting primary elections for state elective office regardless of party affiliation]..., the proposed amendment does not engage in impermissible logrolling.” *Limits or Prevents Barriers*, 177 So. 3d at 243. Despite this, the RPOF posits three scenarios that, it claims, constitute impermissible logrolling. Each of these fail.

The first scenario is where the hypothetical voter “may favor a single nonpartisan primary for the governor or cabinet officers, but not for the members of the legislature.” *RPOF AB*, p. 4. This argument—that grouping state elective offices

constitutes logrolling—has been rejected by this Court at least twice. *See Prohibiting Public Funding of Political Candidates’ Campaigns*, 693 So. 2d 972 (Fla. 1997); *Limited Political Terms*, 592 So. 2d 225 (Fla. 1991).

The proposed amendment in *Prohibiting Public Funding* involved a prohibition on the payment of State funds to political campaigns for Governor, Lieutenant Governor, Cabinet Officers, Florida Senate, and Florida House of Representatives. *Prohibiting Public Funding*, 693 So. 2d at 974. The opponents there, as they do here, argued that the proposed amendment “logrolls classes of public offices into one initiative” forcing “the voter to cast an all-or-nothing vote on four different classifications.” *Id.* at 975. The Court “reject[ed] this contention and [found] that the proposed amendment does not violate the single-subject requirement.” *Id.* (citing *Limited Political Terms*). In doing so, the Court made clear that “although the proposed amendment in the instant case limits public funding for four separate offices, the only subject that the proposed amendment addresses is the prohibition of public financing for the specified elective offices.” *Id.*

In *Limited Political Terms*, the proposed amendment provided term limits for designated classes of state and federal elective offices, *i.e.*, Florida Legislature, Florida Governor, Florida Cabinet, and United States Representative and Senator. 592 So. 2d at 226. Approving the measure for the ballot, the Court held:

We find that the proposed amendment meets the single-subject requirement. The sole subject of the proposed amendment is limiting

the number of consecutive terms that certain elected officials may serve. Although the proposed amendment affects officeholders in three different branches of government, that fact alone is not sufficient to invalidate the proposed amendment.

Id., 592 So. 2d at 227.

The classification of the specified state elective offices here is no different than in *Prohibiting Public Funding and Limited Political Terms*. And like those cases, the proposed amendment here has a single-subject that does not logroll: conducting primary elections for designated state elective offices regardless of political party affiliation.

The RPOF next claims that “[a]nother 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.” *RPOF AB*, p. 4. This fails for two reasons: first, one cannot have a primary that allows all registered voters to vote for the designated offices without changing the existing closed party primary system for those offices; the two cannot co-exist. Further, to the extent the party means to suggest that the hypothetical voter would not want the parties to lose the ability to select their own candidates for the specified offices, the proposed amendment expressly provides for preserving same (as is disclosed in the summary, discussed above).

Last, the RPOF suggests that “another voter may prefer opening up primaries to all registered voters while opposing having only two candidates in the general

election ballot, which dramatically reduces the likelihood of a third-party or NPA candidate appearing on the general election ballot.” *RPOF AB*, p. 4-5. Again, the provision for having the top two vote getters advance is a required, natural and logical consequence of the primary—elections must have consequences, *i.e.*, winners and losers. It would make no sense to advance all primary participants to the general election. As detailed above, these provisions—opening primaries to all registered voters regardless of party affiliation and advancing the top two vote getters to the general election—are directly connected to the proposed amendment’s purpose, its dominant plan or scheme. “[T]hus, the proposed amendment does not engage in impermissible logrolling.” *Limits or Prevents Barriers*, 177 So. 3d at 243.

The FDP’s single-subject and logrolling arguments, at *FDP AB*, p. 4, are minor variations on the RPOF’s theme, and fail for the same reasons. The FDP further suggests that the All Voters Vote Amendment fails the single-subject requirement because it does not create nor regulate a new individual right.¹⁵ *Id.* at 5. “Instead, it takes an existing system, changes it without expressly redefining it, and creates various rules of operations, some of this a reasonable voter might like (nonpartisan elections), and some of which the voter might oppose (eliminating primary elections in some circumstances).” *Id.* at 5-6. This appears to conflate the

¹⁵ The Sponsor disagrees as the proposed amendment creates a new individual right of voters to vote in primary elections for the designated offices regardless of their party affiliation and regulates that new right.

single-subject and ballot language clarity requirements. Regardless, the argument fails for the reasons detailed above. *See, supra*, pp. 3-8 (detailing how ballot title and summary clearly disclose how the new primary system will operate, thereby “defining” it); *supra* pp. 17-20 (discussing logrolling).

Last, the FDP attempts to distinguish some of the cases cited by the Sponsor, *i.e.*, *Limits or Prevents Barriers*, *Medical Marijuana I*, *Medical Marijuana II*, and *Health Hazards of Using Tobacco*. *See FDP AB*, pp. 6-8. The thrust of the party’s argument is that each of those proposed amendments contained—in the amendment **text**—a statement of purpose and intent and/or definitions of key.¹⁶ “The All Voters Vote Initiative,” the FDP complains, “has none of these features. It does not expressly state its intent and purpose. It does not state the reasons why this amendment is necessary....” *FDP AB*, p. 8. Again, the FDP appears to conflate ballot language clarity and the single-subject requirement. Regardless, there is no requirement that a proposed amendment’s text nor ballot title and summary contain any of those things. All that is required is that the amendment “embrace but one subject and matter directly connected therewith” and that the ballot title and

¹⁶ *See FDP AB*, at p. 6 “That amendment [*Limits or Prevents Barriers*] ... expressly stated its purpose in a section title, ‘PURPOSE AND INTENT.’”; *Id.* at n. 2: “Note that the longest part of the proposed amendment in *Solar Energy Choice* was the section defining key terms....”; *Id.* at n. 3: *Medical Marijuana I* “also included a ‘Definitions’ section with ten subparagraphs and, importantly defined the key term ‘marijuana.’”; *Id.* at p. 8: “Like *Solar Electricity Supply* [*sic*], the proposed [*Health Hazards of Using Tobacco*] amendment expressly stated its intent and purpose....”).

summary clearly inform voters of the amendment's chief purpose and are not misleading. Because each of those requirements is satisfied, the All Voters Vote Amendment should be approved for the ballot.

CONCLUSION

For all of the foregoing reasons, the initiative should be approved for placement on the ballot.

Respectfully submitted this 28th day of October, 2019.

s/ Glenn Burhans, Jr.

GLENN BURHANS, JR.

FLORIDA BAR NO. 605867

STEARNS WEAVER MILLER WEISSLER ALHADEFF & SITTERSON, P.A.

HIGHPOINT CENTER

106 EAST COLLEGE AVENUE - SUITE 700

TALLAHASSEE, FL 32301

TELEPHONE: (850) 329-4850

GBURHANS@STEARNSWEAVER.COM

CABBUHL@STEARNSWEAVER.COM

PTASSINARI@STEARNSWEAVER.COM

EUGENE E. STEARNS

FLORIDA BAR NO. 0149335

STEARNS WEAVER MILLER WEISSLER ALHADEFF & SITTERSON, P.A.

MUSEUM TOWER

150 WEST FLAGLER STREET - SUITE 2200

MIAMI, FLORIDA 33130

TELEPHONE: (305) 789-3200

ESTEARN@STEARNSWEAVER.COM

JAYBAR@STEARNSWEAVER.COM

CERTIFICATE OF SERVICE AND COMPLIANCE

I hereby certify that this computer-generated brief is prepared in Times New Roman 14-point font and complies with the font requirement of Rule 9.210(a), Florida Rules of Appellate Procedure, and that a true copy of the foregoing was filed via the Florida e-filing Portal this 28th day of October, 2019 and served on the list below:

Daniel W. Bell
Amit Agarwal
Edward Mark Wenger
Office of the Attorney General
The Capitol, PL-01
Tallahassee, FL 32399-1050
daniel.bell@myfloridalegal.com
jenna.hodges@myfloridalegal.com
Amit.Agarwal@myfloridalegal.com
Edward.wenger@myfloridalegal.com
Counsel for
Attorney General of Florida

Benjamin Gibson
Daniel Nordby
Amber Stone Nunnally
Shutts & Bowen LLP
215 South Monroe Street, Suite 804
Tallahassee, FL 32301
bgibson@shutts.com
dnordby@shutts.com
anunnally@shutts.com
mpoppell@shutts.com
Counsel for
Republican Party of Florida

Mark Herron
Robert A. McNeely
Messer Caparello, P.A.
Post Office Box 15579
Tallahassee, FL 32317
mherron@lawfla.com
clowell@lawfla.com
rmcneely@lawfla.com
cbrinker@lawfla.com
statecourtpleadings@lawfla.com
Counsel for Florida Democratic Party

s/ Glenn Burhans, Jr.