

RECEIVED, 10/30/2019 03:11:33 PM, Clerk, Supreme Court

IN THE SUPREME COURT OF FLORIDA
CASE NO: SC19-1267; SC19-1505 (CONSOLIDATED)

**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 (FIS)**

**AMENDED REPLY BRIEF OF THE SPONSOR
ALL VOTERS VOTE, INC.**

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

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
ESTEARNS@STEARNSWEAVER.COM

Counsel for All Voters Vote, Inc.

TABLE OF CONTENTS

TABLE OF AUTHORITIES.....	ii
ARGUMENT	1
I. The Ballot Title and Summary Are Not Misleading	1
a. Voters Are Clearly Informed that Elections for State Legislature, Governor, and Cabinet Will Be Different Under the All Voters Vote Amendment.....	1
b. Use of the Terms “Primary,” “Primary Election,” and “Party Nominated Candidates” Is Not Confusing	3
c. The Ballot Title is Not Misleading	5
d. The Amendment’s Effect on the Rights of Voters, Candidates, and Political Parties is Fairly Stated.....	6
e. The FDP’s Comparison to Washington State Is Irrelevant, Misleading, and of No Avail	8
II. The Single-Subject Requirement is Satisfied	9
a. The All Voters Vote Amendment Has a Logical and Natural Oneness of Purpose.....	9
b. The All Voters Vote Amendment Does Not Logroll	11
CONCLUSION	15
CERTIFICATE OF SERVICE AND COMPLIANCE.....	16

TABLE OF AUTHORITIES

	Page(s)
Cases	
<i>Burdick v. Takushi</i> , 504 U.S. 428, 433 (1992)	6, 7
<i>Grose v. Firestone</i> , 422 So. 2d 303 (Fla. 1982)	2, 4, 6, 7
<i>Indep. Nonpartisan Comm’n</i> , 926 So. 2d 1218 (Fla. 2006)	10, 11
<i>Limited Political Terms</i> , 592 So. 2d 225 (Fla. 1991)	11, 12
<i>Limits or Prevents Barriers</i> , 177 So. 3d 235 (Fla. 2015)	11, 13, 14
<i>Prohibiting Public Funding of Political Candidates’ Campaigns</i> , 693 So. 2d 972 (Fla. 1997)	4, 11, 12
<i>Protect People from Health Hazards of Second-Hand Smoke</i> , 814 So. 2d 415 (Fla. 2002)	3, 14
<i>Right to Treatment & Rehab.</i> , 818 So. 2d 491 (2002)	2, 4
<i>Rights of Electricity Consumers Regarding Solar Energy Choice</i> , 188 So. 3d 822 (Fla. 2016)	3, 14
<i>Universal Pre-K Educ.</i> , 824 So. 2d 161 (Fla. 2002)	5, 6
<i>Use of Marijuana for Certain Med. Conditions (Medical Marijuana I)</i> , 132 So. 3d 786 (Fla. 2014)	14
<i>Use of Marijuana for Debilitating Med. Conditions (Medical Marijuana II)</i> , 181 So. 3d 471 (Fla. 2015)	14
<i>Wash. State Grange v. Wash. State Republican Party</i> , 552 U.S. 442 (2008)	8
Statutes	
City of Jacksonville Code § 350.102	3
2005 Fla. Laws ch. 2005-286, § 1	1

Fla. Stat. § 100.081 3

Fla. Stat. § 101.161 5

Fla. Stat. §101.161(1) 5, 6, 8, 9

RCW 29A.72.050 9

Tallahassee Code § 7-4..... 3

Other Authorities

2004 Washington State Sample Ballot available at:
<https://wei.sos.wa.gov/county/spokane/en/archives/Pages/New-Sample-Ballot-Page.aspx> (last accessed 10/28/2019)..... 9

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/> 6

Cambridge Dictionary, available at:
<https://dictionary.cambridge.org/us/dictionary/english/affiliation> 7

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>) 5-6

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> 5

ARGUMENT

All Voters Vote, Inc., submits this single Reply Brief in response to the Answer Briefs filed, respectively, by the opponents the Republican Party of Florida (“RPOF”) and the Florida Democratic Party (“FDP”) (“Opponents”).¹

I. The Ballot Title and Summary Are Not Misleading.

a. Voters Are Clearly Informed that Elections for State Legislature, Governor, and Cabinet Will Be Different Under the All Voters Vote Amendment.

The Opponents’ claim that the ballot language is deficient because it fails to tell voters that the proposed amendment will “abolish” the century-old practice of selecting party nominees via closed party primaries and, with that, the parties’ ability to choose their own candidates. *See, e.g., RPOF AB*, pp. 6-8; *FDP AB*, p. 12. In addition to being untrue, this argument ignores the plain text of the ballot title and summary and advances a view of history that is inconsistent with reality.²

The ballot language here does not prohibit political parties from conducting a closed system for nominating candidates if that is what the parties want. What it

¹ The Attorney General did not file an Answer Brief. To avoid repetition of arguments made in its Initial and Answer Briefs, All Voters Vote adopts and incorporates them by reference. This Reply Brief addresses certain of the arguments raised in the Opponents’ Answer Briefs, which are cited as “[*Party Name*] *AB*.”

² Most Florida voters are quite accustomed to all voters and all candidates competing in primary and run-off elections in County and municipal elections. In addition, there have been many changes in the process for electing state leaders over the years, including the elimination of second primary elections in 2004.

does do is prevent the parties from blocking voter and candidate participation in the new primary based upon party affiliation. The ballot title and summary do so using language that any voter can understand—although not the language the Opponents prefer. The ballot title and summary need not be drafted in a manner or using verbiage that the Opponents prefer. *See, e.g., Right to Treatment & Rehab.*, 818 So. 2d 491, 498 (2002) (“Although a ‘perfectly’ drafted summary might mention this self-effectuating provision, imperfection is not necessarily fatal given the seventy-five word statutory maximum.”); *see also 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.”).

Here, the ballot title and summary clearly advise voters of the amendment’s chief purpose, *i.e.*, that the process for electing members of the designated state elective offices will be conducted differently than in the past; to wit: 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 recognition of “party nominated candidates” (*i.e.*, those selected by the parties prior to the primary in a process to be determined by the parties). The language thereby “provide[s] 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.” *Rights of Electricity Consumers*, 188 So. 3d 822 (Fla. 2016) (quotation omitted).

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

Voters will not be misled by the terms “primary,” “primary election,” and/or “party nominated candidates.” *See RPOF AB*, pp. 8-10; *FDP AB*, pp. 9-10. In Florida, the words “primary” or “primary election” are not exclusively used as labels for a process used to select party nominees. 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. *See, e.g., Sponsor’s AB*, pp. 9-12 (discussing primaries for city and county races that do not select a party’s nominee).³

³ Numerous Florida counties 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 counterparts, the 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.

Having incorrectly contended that the word “primary” only means “party primary,” Opponents argue that the ballot language misleads voters about the consequence of the amendment. *Prohibiting Public Funding of Candidates’ Campaigns*, 693 So. 2d 972 (Fla. 1997), is instructive as to the invalidity of that argument. 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 976.⁴ The same holds here as the ballot summary discloses the proposed amendment’s chief purpose and need not expressly state that the amendment “abolishes” closed party primaries.

The summary’s first sentence states that the amendment “allows all registered voters to vote in primaries for the [designated offices], regardless of political party

⁴ See also *Right to Treatment & Rehab*, 818 So. 2d at 498 (finding “it would have been impossible for the sponsors to include such detailed language concerning pre-existing programs”); *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.”).

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 could be a separate process by which political parties can nominate their own candidates and that, if such a process is adopted, the legislature may determine how that would be reflected on the ballot.

c. The Ballot Title is Not Misleading.

The RPOF makes the novel and unsupported 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.” 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. *See, e.g., Universal Pre-K Educ.*, 824 So. 2d 161, 166 (Fla. 2002)) (“the ballot title and summary may not be read in isolation, but must be read together....”). The title informs how this measure is presented by the Sponsor to Florida voters through the ballot language and the public campaign that will follow should this Court approve the proposal for the ballot.⁵ It matters not what a particular primary system might

⁵ Prior to a public campaign, the initiative has been 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*

be called in other states. In the end, the ballot title and summary clearly advise voters of the proposed amendment's chief purpose as required by Section 101.161(1).

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

The RPOF claims that the ballot title and summary “fail to disclose significant impacts on rights of voters, candidates, and political parties.” *RPOF AB*, pp. 12-14. Whether or to what extent individual rights might be affected by the proposed amendment is beyond the scope of the Court's narrow inquiry and is not justiciable here. *Grose*, 422 So. 2d at 306 (“Appellants’ argument that the substance of the amendment is unconstitutional is not a justiciable issue in this case....”). Regardless, the RPOF's premise is faulty. The fact that the parties cannot exclude ballot participation in the new primary based on party affiliation is plainly provided in both the title and the summary. The parties remain free to nominate, endorse, or otherwise support candidates of their own choosing. *Proposed Am.*, subsec. (c)(4).⁶

Initiative Looks to End Florida's Closed Party Primary System,” WGPU (Sept. 30, 2019) (available at: <https://news.wgcu.org/post/all-voters-vote-ballot-initiative-looks-end-floridas-closed-party-primary-system>). Including some accounts 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/>).

⁶ Florida can indisputably regulate primaries in the matter provided in the All Voters Vote Amendment. *See, e.g., Burdick v. Takushi*, 504 U.S. 428, 433 (1992) (holding “It does not follow ... [that] the right to associate for political purposes through the

As relevant here, the ballot summary fairly describes the process for an All Voters Vote primary. For example, 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 RPOF next argues 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. Both the proposed amendment’s text and the ballot summary plainly state that a candidate’s political party affiliation may appear on the ballot as provided by law.⁷ That the Legislature might fail to provide the means to advise voters of candidates’ party affiliation on the primary 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.”).

ballot [is] absolute.”). 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).

⁷ Cambridge Dictionary, available at: <https://dictionary.cambridge.org/us/dictionary/english/affiliation>.

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.

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 number 872, 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). Here, the ballot language clearly describes the amendment’s chief purpose and is not misleading.

Aside from being irrelevant, the FDP’s argument is misleading. The Washington Attorney General’s summary, quoted at page 11 of the FDP’s Answer Brief, 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. The summary cited by the FPD is governed by RCW 29A.72.060, and a sample ballot from the 2004 Washington State general election confirms that it did not appear on the ballot. (A.5).⁸ 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.

II. The Single-Subject Requirement is Satisfied.

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

The All Voters Vote Amendment embraces a single subject: conducting primary elections for the specified state elective offices 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

⁸ 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.”

amendment provides that a candidate's party affiliation, including nomination or endorsement, may appear on the ballot as provided by law.

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. Similarly, 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. *See Prohibiting Public Funding of Political Candidates’ Campaigns*, 693 So. 2d 972 (Fla. 1997); *Limited Political Terms*, 592 So. 2d 225 (Fla. 1991).⁹

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. 693 So. 2d at 974. The opponents there, as they do here, argued

⁹ *Limited Political Terms* is discussed at *Sponsor’s AB*, pp. 25-26.

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.*

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.

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. 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.¹⁰ *Id.* at

¹⁰ 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.

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 single-subject and ballot language clarity requirements. Regardless, the argument fails for the reasons detailed above.

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.¹¹ “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. 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

¹¹ See *FDP AB*, at p. 6 “That amendment [*Limits or Prevents Barriers*] ... expressly stated ... ‘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 amendment expressly [*Health Hazards of Using Tobacco*] stated its intent and purpose....”).

connected therewith” and that the ballot title and 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 above reasons, and those stated in the Sponsor’s Initial and Answer Briefs, the initiative should be approved for the ballot.

Respectfully submitted this 30th 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 30th 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

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

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

s/ Glenn Burhans, Jr.