July 26, 2019

The Honorable Charles Canady
Chief Justice, and Justices of
The Supreme Court of Florida
The Supreme Court Building
Tallahassee, Florida 32399-1925

Dear Chief Justice Canady and Justices:

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

On June 26, 2019, this office received a letter from the Secretary of State (a copy of which is attached) advising that the initiative petition entitled "All Voters Vote in Primary Elections for State Legislature, Governor, and Cabinet" had met the registration, submission, and signature criteria set forth in section 15.21, Florida Statutes.

The full text of the proposed amendment amends Article VI, Section 5 of the Florida Constitution, as follows:

ARTICLE VI, SECTION 5. Primary, general, and special elections.—

* * * *

(c) All elections for the Florida legislature, governor and cabinet shall be held as follows:
(1) A single primary election shall be held for each office. All electors registered to vote for the office being filled shall be allowed to vote in the primary election for said office regardless of the voter's, or any candidate's, political party affiliation or lack of same.

(2) All candidates qualifying for election to the office shall be placed on the same ballot for the primary election regardless of any candidate's political party affiliation or lack of same.

(3) The two candidates receiving the highest number of votes cast in the primary election shall advance to the general election. For elections in which only two candidates qualify for the same office, no primary will be held and the winner will be determined in the general election.

(4) Nothing in this subsection shall prohibit a political party from nominating a candidate to run for office under this subsection. Nothing in this subsection shall prohibit a party from endorsing or otherwise supporting a candidate as provided by law. A candidate's affiliation with a political party may appear on the ballot as provided by law.

(5) This amendment is self-executing and shall be effective January 1, 2024.

The ballot title for the proposed amendment is: "All Voters Vote in Primary Elections for State Legislature, Governor, and Cabinet." The ballot summary for the proposed amendment states:

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.

Pursuant to Rule 9.510(b), Florida Rules of Appellate Procedure, this petition provides the following information:

1. The name and address of the sponsor of the initiative petition:
2. Name and address of the sponsor's attorney, if the sponsor is represented: Unknown.

3. A statement as to whether the sponsor has obtained the requisite number of signatures on the initiative petition to have the proposed amendment put on the ballot: As of June 26, 2019, the sponsor has not obtained the requisite number of signatures to have the proposed amendment placed on the ballot. A total of 766,200 valid signatures is required for placement on the 2020 general election ballot.

4. The current status of the signature-collection process: As of June 26, 2019, Supervisors of Elections have certified a total of 132,604 valid petition signatures to the Division of Elections for this initiative petition. This number represents more than 10% of the total number of valid signatures needed from electors statewide and in at least one-fourth of the congressional districts in order to have the initiative placed on the 2020 general election ballot.

5. The date of the election during which the sponsor is planning to submit the proposed amendment to the voters: Unknown. The earliest date of election that this proposed amendment can be placed on the ballot is November 3, 2020, provided the sponsor successfully obtains the requisite number of valid signatures by February 1, 2020.

6. The last possible date that the ballot for the target election can be printed in order to be ready for the election: Unknown.

7. A statement identifying the date by which the Financial Impact Statement will be filed, if the Financial Impact Statement is not filed concurrently with the request: The Secretary of State forwarded a letter to the Financial Impact Estimating Conference in the care of the coordinator on June 26, 2019.

8. The names and complete mailing addresses of all of the parties who are to be served: This information is unknown at this time. Section 16.061(2), Florida Statutes, requires that a copy of the petition be provided to the Secretary of State and to the principal officer of the sponsor:
While not required by law, this office provides copies of the petition to:

The Honorable Ron DeSantis
Governor, State of Florida
The Capitol
400 S. Monroe St.
Tallahassee, FL 32399-0001

The Honorable Bill Galvano
President, The Florida Senate
Senate Office Building
404 S. Monroe St.
Tallahassee, FL 32399-1100

The Honorable Jose Oliva
Speaker, Florida House of Representatives
The Capitol, Room 420
402 S. Monroe St.
Tallahassee, FL 32399-1300

In accordance with the provisions of Article IV, section 10, Florida Constitution, I respectfully request this Honorable Court's opinion as to whether the proposed amendment "All Voters Vote in Primary Elections for State Legislature, Governor, and Cabinet" complies with the single-subject requirement of Article XI, section 3, Florida Constitution, and whether the ballot title and summary of the amendment comply with the substantive and technical requirements in section 101.161(1), Florida Statutes.

Respectfully submitted,

Ashley Moody
Attorney General
June 26, 2019

The Honorable Ashley Moody
Attorney General
Department of Legal Affairs
PL-01 The Capitol
Tallahassee, Florida 32399-1050

Dear Attorney General Moody:

Section 15.21, Florida Statutes, provides that the Secretary of State shall submit an initiative petition to the Attorney General when a sponsoring political committee has met the registration, petition form submission and signature criteria set forth in that section.

The criteria in section 15.21, Florida Statutes, has been met for the initiative petition titled All Voters Vote in Primary Elections for State Legislature, Governor, and Cabinet, Serial Number 19-07. Therefore, I am submitting the proposed constitutional amendment petition form, along with a status update for the initiative petition, and a chart that provides a statewide signature count and count by congressional districts.

Sincerely,

Laurel M. Lee
Secretary of State

pc: Glen Burhans Jr., Chairperson, All Voters Vote, Inc.
Enclosures
CONSTITUTIONAL AMENDMENT PETITION FORM

Note:
- All information on this form, including your signature, becomes a public record upon receipt by the Supervisor of Elections.
- Under Florida law, it is a first degree misdemeanor, punishable as provided in s. 775.082 or s. 775.08, Florida Statutes, to knowingly sign more than one petition for an issue. [Section 104.185, Florida Statutes]
- If all requested information on this form is not completed, the form will not be valid.

Your name: ____________________________________________________________
Please Print Name as it appears on your Voter Information Card

Your address: ____________________________________________________________
City ____________________________ Zip _______ County _______________________

☐ Please change my legal residence address on my voter registration record to the above residence address (check box, if applicable).

Voter Registration Number ____________________________ OR Date of Birth ____________________________

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

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

BALLOT 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.

ARTICLE AND SECTION BEING CREATED OR AMENDED: Amends Article VI Section 5 by adding subsection (c)

FULL TEXT OF PROPOSED CONSTITUTIONAL AMENDMENT: [Additions are underlined]

ARTICLE VI, SECTION 5. Primary, general, and special elections.—

(c) All elections for the Florida legislature, governor and cabinet shall be held as follows:

(1) A single primary election shall be held for each office. All electors registered to vote for the office being filled shall be allowed to vote in the primary election for said office regardless of the voter’s, or any candidate’s, political party affiliation or lack of same.

(2) All candidates qualifying for election to the office shall be placed on the same ballot for the primary election regardless of any candidate’s political party affiliation or lack of same.

(3) The two candidates receiving the highest number of votes cast in the primary election shall advance to the general election. For elections in which only two candidates qualify for the same office, no primary will be held and the winner will be determined in the general election.

(4) Nothing in this subsection shall prohibit a political party from nominating a candidate to run for office under this subsection. Nothing in this subsection shall prohibit a party from endorsing or otherwise supporting a candidate as provided by law. A candidate’s affiliation with a political party may appear on the ballot as provided by law.

(5) This amendment is self-executing and shall be effective January 1, 2024.

DATE OF SIGNATURE ____________________________ SIGNATURE OF REGISTERED VOTER _X_

Initiative petition sponsored by All Voters Vote, Inc.,
1427 Piedmont Drive East, Suite 2, Tallahassee, FL 32308

(CONTINUED ON NEXT PAGE)
If paid petition circulator is used:

Circulator's Name ____________________________
Circulator's Address ____________________________

For Official Use Only:

Serial Number: 19-07
Date Approved: 3/14/2019
Attachment for Initiative Petition

All Voters Vote in Primary Elections for State Legislature, Governor, and Cabinet
Serial Number 19-07

1. Name and address of the sponsor of the initiative petition:
   Glenn Burhans Jr.
   All Voters Vote, Inc.
   1427 Piedmont Drive East
   Tallahassee, FL 32308

2. Name and address of the sponsor's attorney, if the sponsor is represented:
   Unknown

3. A statement as to whether the sponsor has obtained the requisite number of signatures on the initiative petition to have the proposed amendment put on the ballot: As of June 26, 2019, the sponsor has not obtained the requisite number of signatures to have the proposed amendment placed on the ballot. A total of 766,200 valid signatures are required for placement on the 2020 general election ballot.

4. If the sponsor has not obtained the requisite number of signatures on the initiative petition to have the proposed amendment put on the ballot, the current status of the signature-collection process: As of June 26, 2019, Supervisors of Elections have certified a total of 132,604 valid petition signatures to the Division of Elections for this initiative petition. This number represents more than 10% of the total number of valid signatures needed from electors statewide and in at least one-fourth of the congressional districts in order to have the initiative placed on the 2020 general election ballot.

5. The date of the election during which the sponsor is planning to submit the proposed amendment to the voters: Unknown. The earliest date of election that this proposed amendment can be placed on the ballot is November 3, 2020, provided the sponsor successfully obtains the requisite number of valid signatures by February 1, 2020.

6. The last possible date that the ballot for the target election can be printed in order to be ready for the election: Unknown

7. A statement identifying the date by which the Financial Impact Statement will be filed, if the Financial Impact Statement is not filed concurrently with the request: The Secretary of State forwarded a letter to the Financial Impact Estimating Conference in the care of the coordinator on June 26, 2019.

8. The names and complete mailing addresses of all of the parties who are to be served: This information is unknown at this time.
### SUMMARY OF PETITION SIGNATURES

**Political Committee:** All Voters Vote, Inc.

**Amendment Title:** All Voters Vote in Primary Elections for State Legislature, Governor, and Cabinet

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<th>Congressional District</th>
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<th>For Ballot 8% Required By Article XI, Section 3 Florida Constitution</th>
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Date: 6/26/2019 10:31:12 AM
CERTIFICATE OF SERVICE

I certify that a true and correct copy of the foregoing petition has been furnished by U.S. Mail on this 26th day of July, 2019, to the following:

Laurel M. Lee  
Secretary of State  
Florida Department of State  
R.A. Gray Building  
500 S. Bronough St.  
Tallahassee, Florida 32399-0250

Glenn Burhans Jr.  
All Voters Vote, Inc.  
1427 Piedmont Drive East  
Tallahassee, FL 32308

The Honorable Ron DeSantis  
Governor, State of Florida  
The Capitol  
400 S. Monroe St.  
Tallahassee, FL 32399-0001

The Honorable Bill Galvano  
President, The Florida Senate  
Senate Office Building  
404 S. Monroe St.  
Tallahassee, FL 32399-1100

The Honorable Jose Oliva  
Speaker, Florida House of Representatives  
The Capital, Room 420  
402 S. Monroe St.  
Tallahassee, FL 32399-1300
/s/ Edward M. Wenger
Edward M. Wenger (FBN 85568)
CHIEF DEPUTY SOLICITOR GENERAL
Office of the Attorney General
The Capitol, PL-01
Tallahassee, Florida 32399-1050
edward.wenger@myfloridalegal.com