



FLORIDA DEPARTMENT *of* STATE

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Governor

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Secretary of State

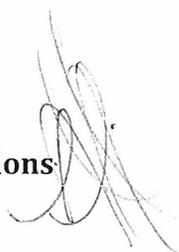
MEMORANDUM

TO: Amy Baker, Chief Economist
Financial Impact Estimating Conference (FIEC)

FROM: Maria Matthews, Esq., Director, Division of Elections

DATE: 21 November 2019

SUBJECT: "Voter Approval of Constitutional Amendment, Serial # 19-08"



Department of State's Position

The Department takes no position on the following proposed constitutional amendment which amends Sections 5 and 7 of Article XI of the Florida Constitution.

- **Ballot Title:** Voter Approval of Constitutional Amendment, Serial # 19-08
- **Ballot Summary:** Requires all proposed amendments or revisions to the state constitution to be approved by the voters in two elections, instead of one, in order to take effect. The proposal applies the current thresholds for passage to each of the two elections.

Financial Considerations

The Division of Elections is required to:

- Advertise the full text of proposed constitutional amendments * twice (once in the 10th week and once in the 6th week preceding the general election) in a newspaper of general circulation in each county before the election in which the amendment shall be submitted to the electors. See Article XI, Section (5)(d), Fla. Stat.
- Translate constitutional amendments into Spanish per federal and state laws.
- Provide each Supervisor of Elections with a sufficient number of English and Spanish booklets to display the full text of proposed amendments, for each polling room or early voting area in each county.

In 2018, there were a total of 13 constitutional amendments placed on the ballot. For the 2020 ballot, two initiative petitions have already made ballot. Of the remaining 25

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approved citizen initiatives approved for circulation, 5 others have met the requisite 10% signature threshold (76,632) necessary to trigger judicial review. These are the most likely to be able to make the upcoming February 1 deadline to obtain the total minimum number of requisite signatures (766,200). This does not take into consideration any joint resolutions constitutional amendments that may be adopted during the 2020 legislative sessions

For 2018 Elections, it cost approximately \$1,036,233.82 to publish in the newspaper, \$2,265.60 to translate constitutional amendments, and \$58,118, 00 to produce and distribute by mail booklets of constitutional amendments in English and Spanish. There were 4,461 polling places and 373 early voting locations for which 15 English and 15 Spanish booklets were provided for each site. The average cost for Spanish translation, booklet printing and distribution, and newspaper advertising of constitutional amendments for the 2018 election cycle was \$92.93 per English word of the originating document. The cost of translating is expected to increase.

While the accurate cost estimates for 2020 cannot be determined until the total number of amendments to be placed on the ballot is determined including any potential detailed financial impact statements, the Department has requested appropriation for FY 2020-2021 to cover the funding to translate, provide legal advertisement, and produce and mail to counties constitutional amendment booklets in English and Spanish.

Consequences:

If this amendment passes with a minimum of 60 percent of the vote as required under current law, all future proposed amendments regardless of method of proposal (joint resolution, initiative petition, revision commission, constitutional convention, taxation and budget reform commission) would undergo a two-election cycle process in order to become adopted and law. Therefore, each time the amendment appears on the ballot, it would have to be proceeded by the requisite publication requirement and reprinting/ mailing for the booklets. There would only be a one-time Spanish translation cost for the amendment itself.

If this amendment passes, it is possible that that some rulemaking will be required to conform and to determine if necessary to inform voters as to the fact that all future proposed constitutional amendments are being presented for the 1st time versus the 2nd ballot, at least until voters become familiar with the new process.

As with any constitutional amendment, their length tends to take up real estate on a ballot and can often make the difference between a one page or multi-page ballot for a county which can increase the cost of ballot materials on a county-by-county basis. Additionally, there may be other unintended consequences for which we have yet to consider or note such as the time lapse between the 2 general election cycles.