

2015-2016 Initiative Petition Handbook



Last updated on 2/5/2015

Florida Department of State
Division of Elections
R. A. Gray Building,
Room 316
500 South Bronough Street
Tallahassee, FL 32399-0250
(850) 245-6200

TABLE OF CONTENTS

- What is an Initiative Petition?.....1
- Initiative Process and Procedures.....2
- Frequently Asked Questions.....4
- Appendix A: Congressional District Requirements.....7
- Appendix B: Legal References.....8

What is an Initiative Petition?

In Florida, the people have a right to propose amendments to Florida's Constitution through a citizen initiative petition process. In addition to other requirements, this citizen initiative process requires a specific number of petitions to be signed by registered Florida voters before the item can show up on the ballot to be voted on. Per the Florida Constitution, It takes signatures from eight percent of the voters who cast votes in the last presidential election to have a proposal placed on the ballot. In addition, the signatures must also come from at least one-half of the congressional districts of the state. In order to get an initiative on the 2016 general election ballot, a petition must be signed by 683,149 voters and come from at least 14 of Florida's 27 congressional districts. For a breakdown by congressional district, please see Appendix A: Congressional District Requirements.

Detailed information on currently active initiative and formerly proposed initiatives can be found on the Division of Election's [Initiatives/Amendments/Revisions Database](#).

Steps in the Initiative Petition Process

1. Register as a Political Committee

The first step in the initiative petition process is for the individual or group wishing to propose an amendment to register as a political committee with the Division of Elections, pursuant to Section 106.03, Florida Statutes. For detailed information on how to register a political committee, see the Political Committee Handbook.

2. Get Format Approval

The sponsoring political committee is then required to submit the proposed initiative amendment petition form to the Division of Elections prior to the petitions being circulated for signatures. The Division only reviews the initiative petition form for sufficiency of its format; the division does not review the form for legal sufficiency. The format is sufficient only if the petition form meets the requirements found in Rule 1S-2.009.

3. Serial Number Assignment

Once approved, the Division of Elections will assign a serial number to the approved form and notify the sponsoring committee. The serial number must be printed in the lower right hand corner of the petition form. The initiative amendment will be viewable on the Division's online Initiatives/Amendments/Revisions Database.

4. Circulation

Once the petition has been approved, the sponsoring political committee may begin circulating the petitions for signature. No initiative petition circulated for signature may be bundled with or attached to any other petition form. Petition signatures are good for two years from the date signed.

5. Submit Petitions for Verification

All signed petition forms shall be returned to the sponsoring political committee. The sponsoring political committee then submit the signed petition forms to the Supervisor of Elections in the county of residence of the signee for verification of signatures in accordance with Rule 1S-2.0091, Florida Administrative Code. It is the responsibility of the sponsoring political committee to ensure the signed forms are properly filed with, or if misfiled forwarded to, the Supervisor of Elections in the county in which the signee is a registered voter. The Supervisors of Elections are required to check the signatures within 30 days of receipt of the petitions and report the number of valid verified signatures to the Division. To ensure that all petitions are verified prior to the deadline, it is recommended that the sponsoring political committee submit petitions to the Supervisors of Elections as far in advance of the deadline as possible.

6. Pay for Cost of Verification

For each signature checked, ten cents, or the actual cost of checking the signature, whichever is less, is to be paid to the Supervisor of Elections. This fee is paid at the time of submitting the petitions by the sponsoring political committee. If the committee is unable to pay the charges without imposing an undue burden on the organization, a written certification of such inability, given under oath, may be submitted to the Division of Elections to have signatures verified at no charge (see Affidavit of Undue Burden). The Division will circulate the oath to each Supervisor of Elections in the state.

Note: If the committee pays any person to solicit signatures, an undue burden affidavit may not be filed in lieu of paying the verification fee (see Section 106.191, Florida Statutes). Also, if an undue burden oath has been filed and payment is subsequently made to any person to solicit signatures on a petition, the undue burden oath is no longer valid and a fee for all signatures previously submitted and any submitted thereafter shall be paid by the sponsoring political committee. Furthermore, if any monetary contributions are received by the sponsoring political committee, they must first be used to reimburse the Supervisor of Elections for any signature verification fees that were not paid because of the filing of the undue burden oath (see Section 99.097(6), Florida Statutes).

7. Supreme Court Review and Fiscal Impact Statement

Once a committee obtains signatures from 10% of the voters required from at least 25% of the congressional districts, the Division will send the petition to the Attorney General. Within 30 days of receipt, the Attorney General will petition the Supreme Court requesting an advisory opinion regarding the compliance of the text of proposed amendment with s. 3, Art. XI of the State Constitution and the compliance of the proposed ballot title and summary with Section 101.161, Florida Statutes.

At the same time the petition is sent to the Attorney General, the Division sends a copy of the petition to the Financial Impact Estimating Conference. The Financial Impact Estimating Conference will review the amendment and complete an analysis and financial impact statement. If the amendment obtains ballot position, the financial impact statement will be placed on the ballot following the ballot summary.

8. Certification of Ballot Position

Upon a determination that the constitutionally required number of signatures and distribution of signatures by congressional districts has been obtained by February 1 of the year of the election, the Secretary of State shall issue a certificate of ballot position to the sponsoring political committee. No later than February 2 of the year of the election, the Director, Division of Elections shall assign and post the designating number for the amendment in accordance with Rule 1S-2.0011.

FREQUENTLY ASKED QUESTIONS

1. How many signatures does it take to put a constitutional amendment on the ballot?

It takes signatures from eight percent of the number of voters voting in the last presidential election to place a citizen initiative on the general election ballot. Eight percent of the number of voters voting in the 2012 presidential election is 683,149. That number must come from at least 14 of the 27 congressional districts.

2. Do I have to set up a committee first?

Yes. An individual or group which wants to sponsor an initiative must be registered as a political committee with the Division of Elections. For detailed information on how to register a political committee, please contact the Bureau of Election Records at 850-245-6240 or via e-mail at ElecRecords@dos.state.fl.us.

3. Is there a fee for filing as a political committee or to set up an initiative petition?

No

4. Is there a certain number of words I can use for my ballot title and ballot summary?

Yes. Ballot titles can be no more than 15 words in length. Ballots summaries can be no more than 75 words in length. Rule 1S-2.009, F.A.C. provides rules on determining word count.

5. Can we print our petition in Spanish?

Yes. However, the Division of Elections does not proof it; that is the committee's responsibility.

6. How many initiative petitions can one political committee support?

There is no limit. However, when circulating the petitions, each petition must be separate. Petitions cannot be attached or bundled together.

7. How long does it take the Division of Elections to approve the format of the petition?

The Division will review the petition format within 7 days of receipt and either approve the format or notify the sponsoring committee of the submitted forms deficiencies, as appropriate.

8. Does the Division of Elections have the authority to reject an initiative petition?

Yes. If the petition does not comply with the petition format requirements, the Division will reject the petition.

9. If the petition is changed, do we have to get a new approval?

Yes. Any changes to a previously approved petition must be submitted to the Division for review. Changes to the text, ballot title, ballot summary, punctuation, layout, or to the political disclaimer. Any material change constitutes a request for approval of a new petition form and the committee must start over with the collection of signatures.

10. Does the committee submit the original signed petitions to the Division of Elections for verification?

No. The signed petitions are submitted by the sponsoring political committee to the Supervisors of Elections. The Supervisors of Elections will notify the Division the number of valid signatures once verified.

11. How much do the Supervisors of Elections charge to check petitions?

The charge for checking petitions is 10 cents per name, or the actual cost of checking a signature, whichever is less.

12. What is the deadline for submitting petitions for an initiative to be placed on the next general election ballot?

For the 2016 general election, all signature verifications must be recorded no later than February 1, 2016.

13. If the committee pays a person to solicit signatures on an initiative petition, may the committee file an Affidavit of Undue Burden to have signatures verified at no charge?

If the committee uses a paid petition circulator, an undue burden oath may not be filed in lieu of paying the signature verification fee. See Section 106.191, Florida Statutes.

14. How long is a petition good for?

A political committee may continue for years and there is no time limit. However, a signature on a petition is good for only two years from the date signed.

15. How or when do you decide to send the proposed initiative to the Attorney General?

When the political committee has obtained ten percent of the eight percent required for ballot position, it is automatically forwarded to the Attorney General's office. For the 2016 election that number is 68,314 and must come from at least seven congressional districts.

16. When is the petition sent to the Supreme Court for review?

The Attorney General will forward the petition to the Supreme Court for review within 30 days of receiving it from the Division of Elections.

17. Can you change a statutory provision with an initiative petition?

No. Florida law only provides for amendments to the Florida Constitution by the initiative process. Changes to the Florida Statutes must be made by the Florida Legislature.

18. Can you change the US Constitution with an initiative petition?

No. Florida law only provides for amendments to the Florida Constitution by the initiative process. Changes to the US Constitution must be made by the procedures set out in that document.

19. Can you change a county charter or municipal code with an initiative petition?

The procedures set forth in this document only apply to changes to the Florida Constitution. For information on how to change a county charter or municipal code, please contact the relevant county or city attorney's office.

20. How many votes does it take to approve a proposed constitutional amendment?

Per the Florida Constitution, proposed amendments require an approval vote of at least 60% to become law.

21. Who do I contact if I have further questions?

Please call the Division's at 850-245-6200 or via e-mail at DivElections@DOS.MyFlorida.com.

APPENDIX A: CONGRESSIONAL DISTRICT REQUIREMENTS

Petitions must be signed by a number of electors in each of one half of the Congressional Districts of the state, and of the state as a whole, equal to eight percent of the votes cast in each of such districts respectively and in the state as a whole in the last preceding election in which Presidential electors were chosen. For the 2016 General Election Ballot, 683,149 signatures are required. In order to comply with sections 15.21 and 16.061, Florida Statutes, you will need to collect and have verified at 68,314 signatures obtained from voters residing in at least 7 Congressional Districts in Florida.

DISTRICT	ACTUAL TOTAL VOTING	8%	10% of 8%
First	356,435	28,515	2,851
Second	343,558	27,485	2,748
Third	329,165	26,333	2,633
Fourth	351,564	28,125	2,813
Fifth	279,598	22,368	2,237
Sixth	363,402	29,072	2,907
Seventh	333,990	26,719	2,672
Eighth	365,738	29,259	2,926
Ninth	277,101	22,168	2,217
Tenth	329,366	26,349	2,635
Eleventh	359,004	28,720	2,872
Twelfth	345,407	27,633	2,763
Thirteenth	344,500	27,560	2,756
Fourteenth	295,917	23,673	2,367
Fifteenth	304,932	24,395	2,439
Sixteenth	360,734	28,859	2,886
Seventeenth	299,464	23,957	2,396
Eighteenth	345,399	27,632	2,763
Nineteenth	323,317	25,865	2,587
Twentieth	264,721	21,178	2,118
Twenty-First	326,392	26,111	2,611
Twenty-Second	329,816	26,385	2,639
Twenty-Third	290,042	23,203	2,320
Twenty-Fourth	263,367	21,069	2,107
Twenty-Fifth	240,521	19,242	1,924
Twenty-Sixth	268,898	21,512	2,151
Twenty-Seventh	247,023	19,762	1,976
Total	8,539,371	683,149	68,314

APPENDIX B: LEGAL REFERENCES

- Florida Constitution
 - [Article IV, Section 10](#)
 - [Article XI, Section 3](#)
 - [Article XI, Section 5](#)
- Florida Statutes
 - [Section 15.21](#)
 - [Section 16.061](#)
 - [Section 100.371](#)
 - [Section 101.161](#)
 - [Section 104.185](#)
 - [Section 106.19\(3\)](#)
- Florida Administrative Code
 - [1S-2.0011 - Constitutional Amendment Ballot Position](#)
 - [1S-2.009 - Constitutional Amendment by Initiative Petition](#)
 - [1S-2.0091 - Constitutional Amendment Initiative Petition; Submission Deadline; Signature Verification](#)
 - Forms:
 - [DS-DE 19 – Constitutional Amendment Petition Form](#)
 - [DS-DE 19D – Affidavit of Undue Burden](#)