

2018 Initiative Petition Handbook



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Introduction

This publication is intended as a quick reference guide only. To the extent that this handbook covers material beyond that contained in law or rule, the Division of Elections (Division) offers such material as guidelines only.

For complete information on Florida's proposed amendment by initiative petition process, please consult Florida statutes, the Constitution of the State of Florida, Division of Elections' opinions and rules, Attorney General opinions, and other legal sources (*e.g.*, case law). See Appendix A: Legal References for applicable constitutional, statutory, and regulatory provisions.

All forms and publications mentioned in the handbook are available on the Division's website at:

dos.myflorida.com/elections/

What is an Initiative Petition?

In Florida, the people have a right to propose amendments to the Florida Constitution through an initiative petition process. In addition to other requirements, this initiative petition process requires a specific number of petitions to be signed by registered Florida voters before the proposed amendment by initiative can appear on the ballot. Per the Florida Constitution, the number of signatures needed is based on eight percent of the voters who cast votes in the last presidential election. In addition, the signatures must also come from voters in at least one-half of the congressional districts of the state.

In order to get a proposed amendment by initiative on the 2018 General Election ballot, a petition must be signed by 766,200 voters and the signatures must come from at least 14 of Florida's 27 congressional districts. For a breakdown by congressional district, please see Appendix B: Congressional District Requirements and Appendix C: Florida Congressional District Map.

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

What Are the Steps in the Initiative Petition Process?

1. Register as a Political Committee

An individual or group who wishes to propose an amendment by the initiative petition process must first register as a political committee with the Division of Elections, pursuant to Section 106.03, Florida Statutes. For details on how to register a political committee, see the [Political Committee Handbook](#).

2. Get Format Approval

Before signatures can be gathered, the sponsoring political committee must submit its initiative petition form to the Division of Elections. The petition form must meet the format requirements in [Rule 1S-2.009, F.A.C.](#) and be in accordance with [Form DS-DE 19 – Constitutional Amendment Petition Form](#). The Division of Elections only reviews the initiative petition form for sufficiency of its format, and has no authority to determine legal sufficiency of the petition.

3. Serial Number Assignment

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

4. Circulate Petition

After the Division assigns the serial number to an initiative petition, the sponsoring political committee can begin to circulate petitions for signature by registered Florida voters. Multiple distinct petitions cannot be attached or bundled together.

5. Submit Signed Petitions for Verification

All signed initiative petition forms are to be returned to the sponsoring political committee. The signed forms must then be submitted to the Supervisor of Elections' office in the county of residence of the signee in accordance with [Rule 1S-2.0091, Florida Administrative Code](#). The sponsoring political committee is responsible to ensure the signed forms are filed in the proper county or if misfiled, forwarded to the proper county. Supervisors have 30 days from date of receipt to check and verify the signatures and report the number of valid verified signatures to the Division of Elections. To ensure that all signed forms are verified prior to the deadline, it is recommended that committees submit forms to the Supervisors of Elections as far in advance of the deadline as possible. Petition signatures are good for two years from the date signed.

6. Pay for Cost of Verification

It costs ten cents, or the actual cost, whichever is less, to check signatures. The sponsoring political committee must pay the Supervisor of Elections at the time the petitions are submitted. If it poses an undue burden on the committee to pay for verification, the committee can waive the fee by submitting an executed [Affidavit of Undue Burden \(DS-DE 19D\)](#) to the Division of Elections. The Division will then circulate the oath to each Supervisor of Elections.

Note: An undue burden affidavit cannot be filed if the committee pays any person to solicit signatures (see [Section 106.191, Florida Statutes](#)). If an undue burden affidavit has been filed but the committee later pays any person to solicit signatures on a petition, the affidavit is no longer valid. The committee must then pay the Supervisor for all past signature checks and any signatures submitted thereafter. Also, if the committee receives any monetary contributions, the committee must first reimburse the Supervisor for any signature verification fees that were not paid because of the affidavit (see [Section 99.097\(6\), Florida Statutes](#), and the note at the top of [DS-DE 19D – Affidavit of Undue Burden](#)).

7. Florida Supreme Court Review and Fiscal Impact Statement

Once a sponsoring political committee obtains verified signatures on petitions equal to 10% of the number of signatures required statewide and in at least 25% of Florida’s congressional districts, the Secretary of State will send the petition to the Attorney General. Within 30 days of receipt, the Attorney General will petition the Florida Supreme Court for an advisory opinion as to whether the text of the proposed amendment complies with [s. 3, Art. XI of the State Constitution](#) and whether the proposed ballot title and summary comply with [Section 101.161, Florida Statutes](#).

The Secretary of State also sends concurrently a copy of the petition to the Financial Impact Estimating Conference (FIEC). The FIEC reviews the proposed amendment and completes an analysis and financial impact statement, which is also submitted to the Florida Supreme Court for review. If the proposed amendment obtains ballot position, the financial impact statement will appear on the ballot under the ballot summary.

8. Certification of Ballot Position

The Secretary of State determines whether the constitutionally required number of signatures and distribution of signatures by congressional districts has been obtained by February 1 of the year of the general election. The Secretary issues a certificate of ballot position to the sponsoring political committee. No later than the next day, the Director of the Division of Elections assigns and posts the designating number for the amendment in accordance with [Rule 1S-2.0011 – Constitutional Amendment Ballot Position](#).

FREQUENTLY ASKED QUESTIONS

- 1. How many signatures does it take to put a proposed amendment by initiative on the ballot?**

It takes signatures from eight percent of the number of voters voting in the last presidential election to place a proposed amendment by initiative on the general election ballot. Based upon official voter history data submitted by county Supervisors of Elections for the 2016 General Election, eight percent of the number of voters voting in the 2016 presidential election was 766,200. That number must also come from at least 14 of Florida's 27 congressional districts (see Appendix B: Congressional District Requirements and Appendix C: Florida Congressional District Map).
- 2. Do I have to set up a political committee first?**

Yes. An individual or group which wants to sponsor a proposed amendment by initiative must be registered as a political committee with the Division of Elections. For details on how to register a political committee, refer to the [Political Committee Handbook](#).
- 3. Is there a fee for filing as a political committee or to set up an initiative petition?**

No.
- 4. Is there a limit on the number of words I can use for my ballot title and ballot summary?**

Yes. Ballot titles are limited to 15 words or less. Ballots summaries are limited to 75 words or less. [Rule 1S-2.009, F.A.C.](#) provides rules for determining word count.
- 5. Can we print our initiative petition in Spanish?**

Yes. A translation into another language does not constitute a material change to an initiative petition form. A translation cannot add or subtract from the approved English language, the format of the petition, or its blank entries. See [Rule 1S-2.009\(6\), F.A.C.](#)
- 6. How many initiative petitions can one political committee sponsor and support?**

No limit exists. 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 initiative petition?**

The Division will review the petition format within seven days of receipt and either approve the format or notify the political committee of the submitted form's deficiencies, as appropriate.
- 8. Does the Division of Elections have the authority to reject an initiative petition?**

Yes. The Division will reject a petition if it does not comply with the format requirements.

9. If the initiative 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. Any material change constitutes a request for approval of a new petition form and the political committee must start over with the collection of signatures. A material change includes changes to the text, ballot title, ballot summary, punctuation, layout, or the name of the political committee.

10. Does the sponsoring political committee submit the signed initiative petitions to the Division of Elections for verification?

No. The signed petitions are submitted by the political committee to the appropriate county Supervisors of Elections. Once verified, the Supervisors of Elections will notify the Division of the number of valid signatures.

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

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

12. When is the deadline to submit initiative petitions to be placed on the next general election ballot?

The deadline is February 1 of the year in which the general election is held. Signed petition forms must be submitted sufficiently in advance so that the respective Supervisors of Elections can verify and certify the number of signatures to the Division of Elections no later than February 1. The Division of Elections will then determine whether the initiative can be placed on the next general election ballot.

13. If the political 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 political committee uses a paid petition circulator, an undue burden oath may not be filed. The political committee has to pay the signature verification fees. See Sections [99.097\(6\)](#) and [106.191](#), Florida Statutes.

14. How long is an initiative petition good for?

No time limit exists for a political committee to circulate a petition to obtain signatures. However, a signature on a petition is valid for only two years from the date signed.

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

When the political committee has obtained ten percent of the eight percent of signatures required for ballot position the proposed amendment by initiative petition is automatically forwarded to the Attorney General's office. For the 2018 and 2020 general elections that number is 76,632 and must come from at least seven congressional districts.

16. When is the proposed amendment by initiative sent to the Florida Supreme Court for review?

The Attorney General will forward the proposed amendment by initiative to the Florida Supreme Court for review within 30 days of receiving it from the Secretary of State.

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

No. The initiative process is only for proposed amendments to the Florida Constitution. Only the Florida Legislature can make changes to Florida Statutes.

18. Can citizens change the U.S. Constitution with an initiative petition?

No. The initiative process is only for proposed amendments to the Florida Constitution. For information on how to change the U.S. Constitution, please refer to Art. 5 of the U.S. Constitution.

19. Can citizens change a county charter or municipal code with an initiative petition filed with the Division of Elections?

No. The procedures set forth in this document only apply to the initiative petition process to amend the Florida Constitution. For information on how to change a county charter or municipal code, please contact the county or city attorney's office, respectively.

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

Proposed amendments require an approval vote of at least 60% to become law. See [s. 5, Art. XI Article XI of the State Constitution](#).

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

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

APPENDIX A: 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 99.097](#)
 - [Section 100.371](#)
 - [Section 101.161](#)
 - [Section 104.185](#)
 - [Section 106.19\(3\)](#)
 - [Section 106.191](#)
- 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](#)

APPENDIX B: CONGRESSIONAL DISTRICT REQUIREMENTS

(updated 12.2017)

The signature threshold for ballot placement on 2018 General Election Ballot is 766,200. See third column in table below. Signature threshold must also be met in at least 14 of Florida's 27 Congressional Districts. See [s. 3, Art. XI, Florida Constitution](#). The signature threshold to initially refer to the Attorney General for judicial review and to the Financial Impact Estimating Conference for economic review pursuant to sections [15.21](#) and [16.061](#), Florida Statutes, is 76,632. See fourth column in table below. Signature threshold must also be met in at least 7 of Florida's 27 Congressional Districts. (**Numbers in columns 3 and 4 are rounded up to next whole number when percentage yielded a fraction.*)

Congressional District	Votes Cast in 2016 Presidential Election	8% Threshold* (for Ballot Position)	10% of 8% Threshold* (for Judicial and Economic Review)
First	386,504	30,921	3,093
Second	360,098	28,808	2,881
Third	356,715	28,538	2,854
Fourth	428,190	34,256	3,426
Fifth	316,115	25,290	2,529
Sixth	385,918	30,874	3,088
Seventh	370,466	29,638	2,964
Eighth	409,569	32,766	3,277
Ninth	362,593	29,008	2,901
Tenth	320,548	25,644	2,565
Eleventh	417,253	33,381	3,339
Twelfth	386,775	30,942	3,095
Thirteenth	367,818	29,426	2,943
Fourteenth	336,289	26,904	2,691
Fifteenth	340,331	27,227	2,723
Sixteenth	403,805	32,305	3,231
Seventeenth	360,061	28,805	2,881
Eighteenth	388,772	31,102	3,111
Nineteenth	389,415	31,154	3,116
Twentieth	291,984	23,359	2,336
Twenty-First	355,842	28,468	2,847
Twenty-Second	361,305	28,905	2,891
Twenty-Third	342,784	27,423	2,743
Twenty-Fourth	269,446	21,556	2,156
Twenty-Fifth	269,983	21,599	2,160
Twenty-Sixth	294,742	23,580	2,358
Twenty-Seventh	304,012	24,321	2,433
Total	9,577,333	766,200	76,632

APPENDIX C: FLORIDA CONGRESSIONAL DISTRICT MAP

