

# 2015-2016 Initiative Petition Handbook



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## Introduction

The information contained in this publication is intended as a quick reference guide only and is current upon publication. 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.

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) should be reviewed in their entirety for complete information regarding Florida's constitutional initiative process. (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/](https://dos.myflorida.com/elections/)

## 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 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 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 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 initiative 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 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 must meet the format requirements in [Rule 1S-2.009, Florida Administrative Code](#) and be in accordance with [Form DS-DE19 – Constitutional Amendment Petition Form](#). The Division 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 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 initiative amendment will be viewable on the Division's online [Initiatives/Amendments/Revisions Database](#).

### 4. Circulation

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

### 5. Submit Petitions for Verification

All signed petition forms are to be returned to the sponsoring political committee, which then submits them to the Supervisor of Elections for verification. The forms must be turned into 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. The 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. To ensure that all petitions are verified prior to the deadline, it is recommended that the committee submit petitions 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 circulate the oath to each Supervisor of Elections in the state.

**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. 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 Supreme Court requesting 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. If the 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, 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 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 also come from at least 14 of the 27 congressional districts (see Appendix B: Congressional District Requirements and Appendix C: Florida Congressional District Map).

**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 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 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 sponsoring political committee's responsibility.

**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 petition?**

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

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

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

**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. 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 political committee submit the original signed 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. 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 to submit petitions for an initiative to be placed on the next general election ballot?**

Petitions must be submitted sufficiently in advance that the respective Supervisor can verify and certify to the Department of State no later than February 1, 2016, all verified signatures to 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 a 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 initiative to the Attorney General?**

When the political committee has obtained ten percent of the eight percent of signatures 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 Secretary of State.

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

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

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

No. The initiative process is only for amendments to the Florida Constitution. Changes to the U.S. Constitution must be made by the procedures set out in that document.

**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 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.

**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](mailto: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

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 least 68,314 signatures obtained from Florida voters. In addition, the number of verified signatures must equal or exceed the number in the far right column below in at least 7 Congressional Districts.

<b>DISTRICT</b>	<b>ACTUAL TOTAL VOTING</b>	<b>8%</b>	<b>10% of 8%</b>
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
<b>Total</b>	<b>8,539,371</b>	<b>683,149</b>	<b>68,314</b>

# APPENDIX C: FLORIDA CONGRESSIONAL DISTRICT MAP

