

1S-2.0091 Constitutional Amendment Initiative Petition; Submission Deadline; Signature Verification.

(1) Application and Forms. The process in this rule applies solely to constitutional amendments proposed by initiative. The form referenced herein is incorporated by reference and is available online on the Division of Elections' website at <https://www.dos.myflorida.com/elections> under header for forms, through the rule as adopted under www.flrules.org, or from the Florida Department of State, Division of Elections, Room 316, R.A. Gray Building, 500 S. Bronough Street, Tallahassee, 32399-0250, (850) 245-6200.

(2) Submission.

(a) Signed initiative petition forms proposing amendments to the Florida Constitution shall be submitted by the sponsoring political committee to the Supervisor of Elections for the county of residence listed by the person signing the form. If a form submitted by a paid petition circulator is not timely submitted, the sponsor is liable for the fines set forth in section 100.371(7)(a)1. and 2., Florida Statutes. If the 30th day falls on a weekend, holiday, or other day on which the Supervisor of Elections office is closed, the petition form must be delivered to the Supervisor of Elections by the following business day. Supervisors shall submit copies of untimely filed petitions to the Division of Elections for notification to sponsors and imposition of statutory fines.

(b) If the Supervisor of Elections determines that the signer of the petition is a registered voter in another county, the Supervisor of Elections shall notify the petition sponsor that the petition has been misfiled. It is the responsibility of the sponsoring political committee thereafter to ensure that the misfiled petition form is properly filed with the Supervisor of Elections for the county in which the signee is a registered voter. In the case of a misfiled petition, the filing date of the petition is the date such petition is filed with the proper county.

~~(3)~~(2) Signature Verification.

(a) In accordance with the signature verification fee provisions in section 99.097(4), F.S., which require the sponsoring committee to pay in advance the signature verification fee unless an affidavit of undue burden has been filed, the Supervisor of Elections for the county in which the signee is a registered voter shall verify the signatures on each initiative petition form within 30 days after receipt of the form to ensure that each person signing the petition form:

1. Was, at the time of signing and verification of the petition, a registered voter in the state,
2. ~~Except as provided in paragraph (4)(b), below, h~~Had not signed the petition form more than two years prior to the date the Supervisor verified the petition, and
3. Had not ever previously signed a petition form containing the identical initiative which had been verified as valid.

(b) The Supervisor shall not verify as valid a signature on an initiative petition form unless the petition is on the proper form

prescribed by the Division of Elections as specified in Rule 1S-2.009, F.A.C. and all of the following information is contained on the petition form:

1. The voter's name,
2. The voter's address (including city and county),
3. The voter's accurate date of birth or voter registration number,
4. The voter's original signature, ~~and~~
5. The date the voter signed the petition, as recorded by the voter, and
6. Additionally, for forms circulated by a paid petition circulator, a signed Petition Circulator's Affidavit as required by section 100.371(5), Florida Statutes. Additionally, the paid petition circulator must be, or had been on the date of the voter's signature, registered with the Division of Elections to collect petitions for the initiative in question.

~~(4)(3)~~ Random Sampling Not Permitted. Supervisors of Elections may not use random sampling as a method for verifying signatures on constitutional amendment initiative petitions.

~~(5)(4)(a)~~ Recordation of Verification.

(a) After completing the signature verification process, Supervisor of Elections shall report to the Division of Elections the following information:

1. The assigned serial number for the applicable initiative petition,
2. The date the signature was verified,
3. The number of valid verified signatures, by congressional district in the county,
4. The number of invalid signatures, and
5. For forms gathered by a paid petition circulator, the circulator's registration number.

(b) This information shall be submitted no later than weekly to the Division via data entry on the Supervisor of Elections application portal.

~~The appropriate supervisor of elections for each respective voter whose signature is verified as valid shall record the date the form was received, the date of the signature, the date the signature was verified, and the assigned serial number for the applicable initiative petition. Upon completion of the verifications as set forth in subsection (2), the Supervisors of Elections shall submit to the Division of Elections a certificate indicating the total number of signatures verified as valid and the distribution by congressional district. In conjunction with each certificate submitted, each Supervisor shall submit a copy of one petition showing the text of the constitutional amendment to which the verified signatures relate. Certificates may be submitted by the Supervisor via facsimile in~~

~~order to meet the filing deadline, followed by the original certificates sent by mail.~~

~~(b) Notwithstanding the provisions of subparagraph (2)(a)2., above, a signature on a petition by a registered voter who signed the petition on or before May 19, 2011, is valid for four years. The Supervisor of Elections shall separately certify to the Division of Elections any signatures on a petition that were signed on or before May 19, 2011 by clearly annotating that the certification represents signatures on or before May 19, 2011.~~

(6) Complaints. Any person claiming to have had his or her signature on an initiative petition form misrepresented, forged, or not delivered to a Supervisor of Elections shall use Form DS-DE 153 (eff. XX/XXXX), entitled "Form for Complaint Against Petition Circulator" to file the complaint with the Division.

~~(7)(5) Filing Deadline.~~ In order for the initiative petition to be timely filed for appearance on the ballot for the next general election, the constitutionally requisite number of verified signatures must be verified and reported to the Division no later than 5:00 p.m. on February 1 of the year in which the general election is held.

~~(8)(6) Limitation on Use of Verified Signatures.~~ Verified signatures used successfully to place a proposed amendment by initiative on the ballot that subsequently fails to be approved by the electors at the general election shall not be used again in support of any future initiative petition. An identical initiative petition means an initiative petition that is circulated on an initiative petition form which contains the same serial number assigned to it pursuant to Rule 1S-2.009, F.A.C.

~~(9)(7) Nothing in this rule prohibits a voter from signing a successive initiative petition form containing the text of a former petition if the successive petition form has a different serial number assigned to it pursuant to Rule 1S-2.009, F.A.C.~~

Rulemaking Authority 20.10(3), 97.012(1), 100.371(6) FS. Law Implemented Art. XI, Fla. Const., 100.371 FS. History—New 1-6-80, Amended 12-20-83, Formerly 1C-7.091, 1C-7.0091, Amended 2-13-90, 3-5-96, 1-5-04, 3-16-06, 10-15-07, 10-13-08, 7-18-10, 9-7-11, _____.