

FIEC

*Voter Approval of
Constitutional
Amendments
Serial Number*

19-08

2019

Financial Impact Estimating Conference

Voter Approval of Constitutional Amendments Serial Number 19-08

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Tab 1

Authorization



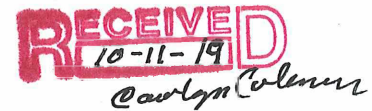
FLORIDA DEPARTMENT *of* STATE

RON DESANTIS
Governor

LAUREL M. LEE
Secretary of State

October 11, 2019

Financial Impact Estimating Conference
c/o Amy Baker, Coordinator
Office of Economic and Demographic Research
111 West Madison Street, Ste. 574
Tallahassee, Florida 32399-6588



Dear Ms. Baker:

Section 15.21, Florida Statutes, provides that the Secretary of State shall submit an initiative petition to the Financial Impact Estimating Conference when a sponsoring political committee has met the registration, petition form submission and signature criteria set forth in that section.

The criteria in section 15.21, Florida Statutes, has now been met for the initiative petition titled **Voter Approval of Constitutional Amendments**, Serial Number 19-08. Therefore, I am submitting the proposed constitutional amendment petition form, along with a status update for the initiative petition, and a chart that provides a statewide signature count and count by congressional districts.

Sincerely,

A handwritten signature in blue ink that reads "Laurel M. Lee".

Laurel M. Lee
Secretary of State

LL/am/ljr

pc: Jason Haber, Chairperson, Keep Our Constitution Clean PC

Enclosures

CONSTITUTIONAL AMENDMENT FULL TEXT

Ballot Title:

Voter Approval of Constitutional Amendments

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.

Article and Section Being Created or Amended:

Article XI, Sections 5 and 7

Full Text of the Proposed Amendment:

SECTION 5. Amendment or revision election.—

(a) A proposed amendment to or revision of this constitution, or any part of it, shall be submitted to the electors at the next general election held more than ninety days after the joint resolution or report of revision commission, constitutional convention or taxation and budget reform commission proposing it is filed with the custodian of state records, unless, pursuant to law enacted by the affirmative vote of three-fourths of the membership of each house of the legislature and limited to a single amendment or revision, it is submitted at an earlier special election held more than ninety days after such filing. If the proposed amendment or revision is approved as provided in subsection (e), it shall be submitted to the electors a second time at the next general election occurring at least ten weeks after the election in which the proposed amendment or revision is initially approved.

(b) A proposed amendment or revision of this constitution, or any part of it, by initiative shall be submitted to the electors at the general election provided the initiative petition is filed with the custodian of state records no later than February 1 of the year in which the general election is held. If the proposed amendment or revision is approved as provided in subsection (e), it shall be submitted to the electors a second time at the next general election.

(c) The legislature shall provide by general law, prior to the holding of an election pursuant to this section, for the provision of a statement to the public regarding the probable financial impact of any amendment proposed by initiative pursuant to section 3.

Initiative Information

Date Approved 4/19/2019

Serial Number 19-08

Sponsor Name: Keep Our Constitution Clean PC
Sponsor Address: Post Office Box 30265, Fort Lauderdale, FL 33303

CONSTITUTIONAL AMENDMENT FULL TEXT

(d) Once in the tenth week, and once in the sixth week immediately preceding the week in which the an election is held, the proposed amendment or revision, with notice of the date of election at which it will be submitted to the electors, shall be published in one newspaper of general circulation in each county in which a newspaper is published.

(e) Unless otherwise specifically provided for elsewhere in this constitution, if the proposed amendment or revision is approved by vote of at least sixty percent of the electors voting on the measure in each of two elections, it shall be effective as an amendment to or revision of the constitution of the state on the first Tuesday after the first Monday in January following the second election in which the proposed amendment or revision is approved, or on such other date as may be specified in the amendment or revision.

SECTION 7. Tax or fee limitation.—Notwithstanding Article X, Section 12(d) of this constitution, no new State tax or fee shall be imposed on or after November 8, 1994 by any amendment to this constitution unless the proposed amendment is approved by not fewer than two-thirds of the voters voting in each of the two elections in which such proposed amendment is considered. For purposes of this section, the phrase “new State tax or fee” shall mean any tax or fee which would produce revenue subject to lump sum or other appropriation by the Legislature, either for the State general revenue fund or any trust fund, which tax or fee is not in effect on November 7, 1994 including without limitation such taxes and fees as are the subject of proposed constitutional amendments appearing on the ballot on November 8, 1994. This section shall apply to proposed constitutional amendments relating to State taxes or fees which appear on the November 8, 1994 ballot, or later ballots, and any such proposed amendment which fails to gain the two-thirds vote required hereby shall be null, void and without effect.

Initiative Information

Date Approved 4/19/2019

Serial Number 19-08

Sponsor Name: Keep Our Constitution Clean PC

Sponsor Address: Post Office Box 30265, Fort Lauderdale, FL 33303

FLORIDA DEPARTMENT OF STATE
DIVISION OF ELECTIONS

SUMMARY OF PETITION SIGNATURES

Political Committee: **Keep Our Constitution Clean PC**

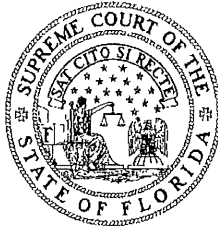
Amendment Title: **Voter Approval of Constitutional Amendments**

Congressional District	Voting Electors in 2016 Presidential Election	For Review 10% of 8% Required By Section 15.21 Florida Statutes	For Ballot 8% Required By Article XI, Section 3 Florida Constitution	Signatures Certified	
FIRST	386,504	3,093	30,921	3,180	***
SECOND	360,098	2,881	28,808	5,392	***
THIRD	356,715	2,854	28,538	8,071	***
FOURTH	428,190	3,426	34,256	12,464	***
FIFTH	316,115	2,529	25,290	20,543	***
SIXTH	385,918	3,088	30,874	10,846	***
SEVENTH	370,466	2,964	29,638	4,662	***
EIGHTH	409,569	3,277	32,766	6,764	***
NINTH	362,593	2,901	29,008	5,674	***
TENTH	320,548	2,565	25,644	2,025	
ELEVENTH	417,253	3,339	33,381	8,870	***
TWELFTH	386,775	3,095	30,942	10,377	***
THIRTEENTH	367,818	2,943	29,426	21,721	***
FOURTEENTH	336,289	2,691	26,904	10,862	***
FIFTEENTH	340,331	2,723	27,227	8,456	***
SIXTEENTH	403,805	3,231	32,305	7,933	***
SEVENTEENTH	360,061	2,881	28,805	8,707	***
EIGHTEENTH	388,772	3,111	31,102	6,324	***
NINETEENTH	389,415	3,116	31,154	4,474	***
TWENTIETH	291,984	2,336	23,359	10,265	***
TWENTY-FIRST	355,842	2,847	28,468	7,352	***
TWENTY-SECOND	361,305	2,891	28,905	6,399	***
TWENTY-THIRD	342,784	2,743	27,423	5,141	***
TWENTY-FOURTH	269,446	2,156	21,556	8,627	***
TWENTY-FIFTH	269,983	2,160	21,599	2,212	***
TWENTY-SIXTH	294,742	2,358	23,580	4,238	***
TWENTY-SEVENTH	304,012	2,433	24,321	2,573	***
TOTAL:	9,577,333	76,632	766,200	214,152	

Attachment for Initiative Petition

Voter Approval of Constitutional Amendments
Serial Number 19-08

1. **Name and address of the sponsor of the initiative petition:**
Jason H. Haber, Chairperson
Keep Our Constitution Clean PC
Post Office Box 30265
Fort Lauderdale, Florida 33303
2. **Name and address of the sponsor's attorney, if the sponsor is represented:**
Unknown
3. **A statement as to whether the sponsor has obtained the requisite number of signatures on the initiative petition to have the proposed amendment put on the ballot:** As of October 11, 2019, the sponsor has not obtained the requisite number of signatures to have the proposed amendment placed on the ballot. A total of 766,200 valid signatures are required for placement on the 2020 general election ballot.
4. **If the sponsor has not obtained the requisite number of signatures on the initiative petition to have the proposed amendment put on the ballot, the current status of the signature-collection process:** As of October 11, 2019, Supervisors of Elections have certified a total of 214,152 valid petition signatures to the Division of Elections for this initiative petition. This number represents more than 10% of the total number of valid signatures needed from electors statewide and in at least one-fourth of the congressional districts in order to have the initiative placed on the 2020 general election ballot.
5. **The date of the election during which the sponsor is planning to submit the proposed amendment to the voters:** Unknown. The earliest date of election that this proposed amendment can be placed on the ballot is November 3, 2020, provided the sponsor successfully obtains the requisite number of valid signatures by February 1, 2020.
6. **The last possible date that the ballot for the target election can be printed in order to be ready for the election:** Unknown
7. **A statement identifying the date by which the Financial Impact Statement will be filed, if the Financial Impact Statement is not filed concurrently with the request:** The Secretary of State forwarded a letter to the Financial Impact Estimating Conference in the care of the coordinator on October 11, 2019.
8. **The names and complete mailing addresses of all of the parties who are to be served:** This information is unknown at this time.



Supreme Court of Florida

Office of the Clerk
500 South Duval Street
Tallahassee, Florida 32399-1927

JOHN A. TOMASINO
CLERK
MARK CLAYTON
CHIEF DEPUTY CLERK
JULIA BREEDING
STAFF ATTORNEY

PHONE NUMBER: (850) 488-0125
www.floridasupremecourt.org

ACKNOWLEDGMENT OF NEW CASE

November 13, 2019

RE: ADVISORY OPINION TO THE ATTORNEY GENERAL vs. RE: VOTER APPROVAL OF CONSTITUTIONAL AMENDMENTS

CASE NUMBER: SC19-1911

The Florida Supreme Court has received the following documents reflecting a filing date of 11/12/2019.

Advisory Opinion to the Attorney General

The Florida Supreme Court's case number must be utilized on all pleadings and correspondence filed in this cause.

tr

cc:

HON. ASHLEY MOODY, ATTORNEY GENERAL
JEFFREY PAUL DESOUSA
HON. RON DESANTIS, GOVERNOR
JEREMIAH HAWKES
FINANCIAL IMPACT ESTIMATING CONFERENCE
HON. JOSE R. OLIVA
HON. LAUREL M. LEE, SECRETARY
HON. BILL GALVANO

Tab 2

Current Law

The Florida Constitution

Article XI: Amendments

SECTION 1. Proposal by legislature.—Amendment of a section or revision of one or more articles, or the whole, of this constitution may be proposed by joint resolution agreed to by three-fifths of the membership of each house of the legislature. The full text of the joint resolution and the vote of each member voting shall be entered on the journal of each house.

SECTION 2. Revision commission.—

(a) Within thirty days before the convening of the 2017 regular session of the legislature, and each twentieth year thereafter, there shall be established a constitution revision commission composed of the following thirty-seven members:

- (1) the attorney general of the state;
- (2) fifteen members selected by the governor;
- (3) nine members selected by the speaker of the house of representatives and nine members selected by the president of the senate; and
- (4) three members selected by the chief justice of the supreme court of Florida with the advice of the justices.

(b) The governor shall designate one member of the commission as its chair. Vacancies in the membership of the commission shall be filled in the same manner as the original appointments.

(c) Each constitution revision commission shall convene at the call of its chair, adopt its rules of procedure, examine the constitution of the state, hold public hearings, and, not later than one hundred eighty days prior to the next general election, file with the custodian of state records its proposal, if any, of a revision of this constitution or any part of it.

History.—Am. H.J.R. 1616, 1988; adopted 1988; Am. S.J.R. 210, 1996; adopted 1996; Ams. proposed by Constitution Revision Commission, Revision Nos. 8 and 13, 1998, filed with the Secretary of State May 5, 1998; adopted 1998.

SECTION 3. Initiative.—The power to propose the revision or amendment of any portion or portions of this constitution by initiative is reserved to the people, provided that, any such revision or amendment, except for those limiting the power of government to raise revenue, shall embrace but one subject and matter directly connected therewith. It may be invoked by filing with the custodian of state records a petition containing a copy of the proposed revision or amendment, 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.

History.—Am. H.J.R. 2835, 1972; adopted 1972; Am. by Initiative Petition filed with the Secretary of State August 3, 1993; adopted 1994; Am. proposed by Constitution Revision Commission, Revision No. 8, 1998, filed with the Secretary of State May 5, 1998; adopted 1998.

SECTION 4. Constitutional convention.—

(a) The power to call a convention to consider a revision of the entire constitution is reserved to the people. It may be invoked by filing with the custodian of state records a petition, containing a declaration that a constitutional convention is desired, 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 fifteen per cent of the votes cast in each such district respectively and in the state as a whole in the last preceding election of presidential electors.

(b) At the next general election held more than ninety days after the filing of such petition there shall be submitted to the electors of the state the question: "Shall a constitutional convention be held?" If a majority voting on the question votes in the affirmative, at the next succeeding general election there shall be elected from each representative district a member of a constitutional convention. On the twenty-first day following that election, the convention shall sit at the capital, elect officers, adopt rules of procedure, judge the election of its membership, and fix a time and place for its future meetings. Not later than ninety days before the next succeeding general election, the convention shall cause to be filed with the custodian of state records any revision of this constitution proposed by it.

History.—Am. proposed by Constitution Revision Commission, Revision No. 8, 1998, filed with the Secretary of State May 5, 1998; adopted 1998.

SECTION 5. Amendment or revision election.—

(a) A proposed amendment to or revision of this constitution, or any part of it, shall be submitted to the electors at the next general election held more than ninety days after the joint resolution or report of revision commission, constitutional convention or taxation and budget reform commission proposing it is filed with the custodian of state records, unless, pursuant to law enacted by the affirmative vote of three-fourths of the membership of each house of the legislature and limited to a single amendment or revision, it is submitted at an earlier special election held more than ninety days after such filing.

(b) A proposed amendment or revision of this constitution, or any part of it, by initiative shall be submitted to the electors at the general election provided the initiative petition is filed with the custodian of state records no later than February 1 of the year in which the general election is held.

(c) The legislature shall provide by general law, prior to the holding of an election pursuant to this section, for the provision of a statement to the public regarding the probable financial impact of any amendment proposed by initiative pursuant to section 3.

(d) Once in the tenth week, and once in the sixth week immediately preceding the week in which the election is held, the proposed amendment or revision, with notice of the date of election at which it will be submitted to the electors, shall be published in one newspaper of general circulation in each county in which a newspaper is published.

(e) Unless otherwise specifically provided for elsewhere in this constitution, if the proposed amendment or revision is approved by vote of at least sixty percent of the electors voting on the measure, it shall be effective as an amendment to or revision of the constitution of the state on the first Tuesday after the first Monday in January following the election, or on such other date as may be specified in the amendment or revision.

History.—Am. H.J.R. 1616, 1988; adopted 1988; Am. proposed by Constitution Revision Commission, Revision No. 8, 1998, filed with the Secretary of State May 5, 1998; adopted 1998; Am. H.J.R. 571, 2001; adopted 2002; Am. S.J.R. 2394, 2004; adopted 2004; Am. H.J.R. 1723, 2005; adopted 2006.

SECTION 6. Taxation and budget reform commission.—

(a) Beginning in 2007 and each twentieth year thereafter, there shall be established a taxation and budget reform commission composed of the following members:

(1) eleven members selected by the governor, none of whom shall be a member of the legislature at the time of appointment.

(2) seven members selected by the speaker of the house of representatives and seven members selected by the president of the senate, none of whom shall be a member of the legislature at the time of appointment.

(3) four non-voting ex officio members, all of whom shall be members of the legislature at the time of appointment. Two of these members, one of whom shall be a member of the minority party in the house of representatives, shall be selected by the speaker of the house of representatives, and two of these members, one of whom shall be a member of the minority party in the senate, shall be selected by the president of the senate.

(b) Vacancies in the membership of the commission shall be filled in the same manner as the original appointments.

(c) At its initial meeting, the members of the commission shall elect a member who is not a member of the legislature to serve as chair and the commission shall adopt its rules of procedure. Thereafter, the commission shall convene at the call of the chair. An affirmative vote of two thirds of the full commission shall be necessary for any revision of this constitution or any part of it to be proposed by the commission.

(d) The commission shall examine the state budgetary process, the revenue needs and expenditure processes of the state, the appropriateness of the tax structure of the state, and governmental productivity and efficiency; review policy as it relates to the ability of state and local government to tax and adequately fund governmental operations and capital facilities required to meet the state's needs during the next twenty year period; determine methods favored by the citizens of the state to fund the needs of the state, including alternative methods for raising sufficient revenues for the needs of the state; determine measures that could be instituted to effectively gather funds from existing tax sources; examine constitutional limitations on taxation and expenditures at the state and local level; and review the state's comprehensive planning, budgeting and needs assessment processes to determine whether the resulting information adequately supports a strategic decisionmaking process.

(e) The commission shall hold public hearings as it deems necessary to carry out its responsibilities under this section. The commission shall issue a report of the results of the review carried out, and propose to the legislature any recommended statutory changes related to the taxation or budgetary laws of the state. Not later than one hundred eighty days prior to the general election in the second year following the year in which the commission is established, the commission shall file with the custodian

of state records its proposal, if any, of a revision of this constitution or any part of it dealing with taxation or the state budgetary process.

History.—Added, H.J.R. 1616, 1988; adopted 1988; Ams. proposed by Constitution Revision Commission, Revision Nos. 8 and 13, 1998, filed with the Secretary of State May 5, 1998; adopted 1998.

SECTION 7. Tax or fee limitation.—Notwithstanding Article X, Section 12(d) of this constitution, no new State tax or fee shall be imposed on or after November 8, 1994 by any amendment to this constitution unless the proposed amendment is approved by not fewer than two-thirds of the voters voting in the election in which such proposed amendment is considered. For purposes of this section, the phrase “new State tax or fee” shall mean any tax or fee which would produce revenue subject to lump sum or other appropriation by the Legislature, either for the State general revenue fund or any trust fund, which tax or fee is not in effect on November 7, 1994 including without limitation such taxes and fees as are the subject of proposed constitutional amendments appearing on the ballot on November 8, 1994. This section shall apply to proposed constitutional amendments relating to State taxes or fees which appear on the November 8, 1994 ballot, or later ballots, and any such proposed amendment which fails to gain the two-thirds vote required hereby shall be null, void and without effect.

History.—Proposed by Initiative Petition filed with the Secretary of State March 11, 1994; adopted 1996.

Tab 3

Other States

Voter Approval of Constitutional Amendments

Proposals in Other States

State: Nevada

Title: Article 19. - Initiative and Referendum

Summary: If a majority of voters approve of an initiated amendment to the Nevada Constitution during a general election, it must then be submitted to the next general election. The amendment becomes part of the Constitution only after a majority of voters approves of the amendment during the subsequent general election.

Status: Current Law, enacted during the 1962 general election.

Nevada

The [Nevada Constitution](#) can be amended via three different paths: a [constitutional convention](#), a [legislatively referred constitutional amendment](#) or an [initiated constitutional amendment](#).

[Section 1 of Article 16](#) governs how the [Nevada legislature](#) can propose an amendment to the constitution through a [legislatively referred constitutional amendment](#).

- An amendment can be proposed in either chamber of the state legislature.
- A majority of the members of both chambers must approve the proposed amendment.
- After the next general election for members of the state legislature, the proposed amendment must be considered again and approved by a majority of the members of both chambers a second time.
- The state legislature can call a special election for the proposed amendment(s) if they wish.
- The amendment is then put to a vote of the people. If "a majority of the electors qualified to vote for members of the Legislature voting thereon" vote in favor of it, the measure becomes part of the constitution unless it is precluded by [Section 2 of Article 19](#).
- If two amendments that contradict each other are proposed at the same election, the one that gets the most votes becomes part of the constitution.

[Section 2 of Article 16](#) governs [constitutional conventions](#).

- If two-thirds of the [Nevada State Legislature](#) votes in favor, a question about whether to hold a constitutional convention goes on a statewide ballot.
- That election must be held at the same time as an election is being held for members of the state legislature. In other words, a constitutional convention question can't go on a special election ballot.
- A majority vote—but not a simple majority vote—of the statewide electorate is required to generate a convention: "In determining what is a majority of the electors voting at such election, reference shall be had to the highest number of votes cast at such election for the candidates for any office or on any question."

[Sections 2 and 3 of Article 19](#) govern [initiated constitutional amendments](#).

- Signatures equaling 10 percent of the number of voters who voted at the immediately preceding general election must be collected to qualify an amendment for the ballot, and these signatures are subject to a [distribution requirement](#).
- If an [initiated constitutional amendment](#) is approved in one election, it must win again at the next general election in an even-numbered year for it to become part of the constitution.
- Nevada is the only state that requires that a citizen-initiated amendment be voted on twice. For [legislatively referred constitutional amendments](#), voter approval is required at one election after it is put on the ballot through approval by the legislature in two sessions.

ARTICLE XVIII - [Right of Suffrage]

Rights of suffrage and officeholding. [Repealed in 1992.]

[Added in 1880. Art. XVIII was proposed and passed by the 1877 legislature; agreed to and passed by the 1879 legislature; and approved and ratified by the people at the 1880 general election. See: Statutes of Nevada 1877, p. 213; Statutes of Nevada 1879, p. 149. Article XVIII was repealed by vote of the people at the 1992 general election. See: Statutes of Nevada [1989, p. 2295](#); Statutes of Nevada [1991, p. 2498](#). The original section read: "The rights of suffrage and officeholding shall not be withheld from any male citizen of the United States by reason of his color or previous condition of servitude."]

ARTICLE 19. - Initiative and Referendum

- SEC. [1.](#) Referendum for approval or disapproval of statute or resolution enacted by legislature.
- [2.](#) Initiative petition for enactment or amendment of statute or amendment of Constitution; concurrent and consecutive amendments.
- [3.](#) Referendum and initiative petitions: Contents and form; signatures; enacting clause; manner of verification of signatures.
- [4.](#) Powers of initiative and referendum of registered voters of counties and municipalities.
- [5.](#) Provisions of article self-executing; legislative procedures.
- [6.](#) Limitation on initiative making appropriation or requiring expenditure of money.

Section 1. **Referendum for approval or disapproval of statute or resolution enacted by legislature.**

1. A person who intends to circulate a petition that a statute or resolution or part thereof enacted by the legislature be submitted to a vote of the people, before circulating the petition for signatures, shall file a copy thereof with the secretary of state. He shall file the copy not earlier than August 1 of the year before the year in which the election will be held.

2. Whenever a number of registered voters of this state equal to 10 percent or more of the number of voters who voted at the last preceding general election shall express their wish by filing with the secretary of state, not less than 120 days before the next general election, a petition in the form provided for in Section 3 of this Article that any statute or resolution or any part thereof enacted by the legislature be submitted to a vote of the people, the officers charged with the duties of announcing and proclaiming elections and of certifying nominations or questions to be voted upon shall submit the question of approval or disapproval of such statute or resolution or any part thereof to a vote of the voters at the next succeeding election at which such question may be voted upon by the registered voters of the entire State. The circulation of the petition shall cease on the day the petition is filed with the secretary of state or such other date as may be prescribed for the verification of the number of signatures affixed to the petition, whichever is earliest.

3. If a majority of the voters voting upon the proposal submitted at such election votes approval of such statute or resolution or any part thereof, such statute or resolution or any part thereof shall stand as the law of the state and shall not be amended, annulled, repealed, set aside, suspended or in any way made inoperative except by the direct vote of the people. If a majority of such voters votes disapproval of such statute or resolution or any part thereof, such statute or resolution or any part thereof shall be void and of no effect.

[Added in 1904, amended in 1962 and 1988. The addition was proposed and passed by the 1901 Legislature; agreed to and passed by the 1903 Legislature; and approved and ratified by the people at the 1904 General Election. See: Statutes of Nevada 1901, p. 139; Journal of the Senate, 21st Session, p. 88 and Journal of the Assembly, 21st Session, p. 191. The first amendment was proposed and passed by the 1960 Legislature; agreed to and passed by the 1961 Legislature; and approved and ratified by the people at the 1962 General Election. See: Statutes of Nevada [1960, p. 512](#); Statutes of Nevada [1961, p. 813](#). The second amendment was proposed and passed by the 1985 Legislature; agreed to and passed by the 1987 Legislature; and approved and ratified by the people at the 1988 General Election. See: Statutes of Nevada [1985, p. 2363](#); Statutes of Nevada [1987, p. 2347](#).]

Sec. 2. **Initiative petition for enactment or amendment of statute or amendment of Constitution; concurrent and consecutive amendments.**

1. Notwithstanding the provisions of Section 1 of Article 4 of this Constitution, but subject to the limitations of Section 6 of this Article, the people reserve to themselves the power to propose, by initiative petition, statutes and amendments to statutes and amendments to this Constitution, and to enact or reject them at the polls.

2. An initiative petition shall be in the form required by Section 3 of this Article and shall be proposed by a number of registered voters equal to 10 percent or more of the number of voters who voted at the last preceding general election in not less than 75 percent of the counties in the State, but the total number of registered voters signing the initiative petition shall be equal to 10 percent or more of the voters who voted in the entire State at the last preceding general election.

3. If the initiative petition proposes a statute or an amendment to a statute, the person who intends to circulate it shall file a copy with the Secretary of State before beginning circulation and not earlier than January 1 of the year preceding the year in which a regular session of the Legislature is held. After its circulation, it shall be filed with the Secretary of State not less than 30 days prior to any regular session of the Legislature. The circulation of the petition

shall cease on the day the petition is filed with the Secretary of State or such other date as may be prescribed for the verification of the number of signatures affixed to the petition, whichever is earliest. The Secretary of State shall transmit such petition to the Legislature as soon as the Legislature convenes and organizes. The petition shall take precedence over all other measures except appropriation bills, and the statute or amendment to a statute proposed thereby shall be enacted or rejected by the Legislature without change or amendment within 40 days. If the proposed statute or amendment to a statute is enacted by the Legislature and approved by the Governor in the same manner as other statutes are enacted, such statute or amendment to a statute shall become law, but shall be subject to referendum petition as provided in Section 1 of this Article. If the statute or amendment to a statute is rejected by the Legislature, or if no action is taken thereon within 40 days, the Secretary of State shall submit the question of approval or disapproval of such statute or amendment to a statute to a vote of the voters at the next succeeding general election. If a majority of the voters voting on such question at such election votes approval of such statute or amendment to a statute, it shall become law and take effect upon completion of the canvass of votes by the Supreme Court. An initiative measure so approved by the voters shall not be amended, annulled, repealed, set aside or suspended by the Legislature within 3 years from the date it takes effect. If a majority of such voters votes disapproval of such statute or amendment to a statute, no further action shall be taken on such petition. If the Legislature rejects such proposed statute or amendment, the Governor may recommend to the Legislature and the Legislature may propose a different measure on the same subject, in which event, after such different measure has been approved by the Governor, the question of approval or disapproval of each measure shall be submitted by the Secretary of State to a vote of the voters at the next succeeding general election. If the conflicting provisions submitted to the voters are both approved by a majority of the voters voting on such measures, the measure which receives the largest number of affirmative votes shall thereupon become law. If at the session of the Legislature to which an initiative petition proposing an amendment to a statute is presented which the Legislature rejects or upon which it takes no action, the Legislature amends the statute which the petition proposes to amend in a respect which does not conflict in substance with the proposed amendment, the Secretary of State in submitting the statute to the voters for approval or disapproval of the proposed amendment shall include the amendment made by the Legislature.

4. If the initiative petition proposes an amendment to the Constitution, the person who intends to circulate it shall file a copy with the Secretary of State before beginning circulation and not earlier than September 1 of the year before the year in which the election is to be held. After its circulation it shall be filed with the Secretary of State not less than 90 days before any regular general election at which the question of approval or disapproval of such amendment may be voted upon by the voters of the entire State. The circulation of the petition shall cease on the day the petition is filed with the Secretary of State or such other date as may be prescribed for the verification of the number of signatures affixed to the petition, whichever is earliest. The Secretary of State shall cause to be published in a newspaper of general circulation, on three separate occasions, in each county in the State, together with any explanatory matter which shall be placed upon the ballot, the entire text of the proposed amendment. If a majority of the voters voting on such question at such election votes disapproval of such amendment, no further action shall be taken on the petition. If a majority of such voters votes approval of such amendment, the Secretary of State shall publish and resubmit the question of approval or disapproval to a vote of the voters at the next succeeding general election in the same manner as such question was originally submitted. If a majority of such voters votes disapproval of such amendment, no further action shall be taken on such petition. If a majority of such voters votes approval of such amendment, it shall, unless precluded by subsection 5 or 6, become a part of this Constitution upon completion of the canvass of votes by the Supreme Court.

5. If two or more measures which affect the same section of a statute or of the Constitution are finally approved pursuant to this Section, or an amendment to the Constitution is finally so approved and an amendment proposed by the Legislature is ratified which affect the same section, by the voters at the same election:

(a) If all can be given effect without contradiction in substance, each shall be given effect.

(b) If one or more contradict in substance the other or others, the measure which received the largest favorable vote, and any other approved measure compatible with it, shall be given effect. If the one or more measures that contradict in substance the other or others receive the same number of favorable votes, none of the measures that contradict another shall be given effect.

6. If, at the same election as the first approval of a constitutional amendment pursuant to this Section, another amendment is finally approved pursuant to this Section, or an amendment proposed by the Legislature is ratified, which affects the same section of the Constitution but is compatible with the amendment given first approval, the Secretary of State shall publish and resubmit at the next general election the amendment given first approval as a further amendment to the section as amended by the amendment given final approval or ratified. If the amendment finally approved or ratified contradicts in substance the amendment given first approval, the Secretary of State shall not submit the amendment given first approval to the voters again.

[Added in 1912, amended in 1958, 1962, twice in 1972 and in 1988 and 1998. The addition was proposed and passed by the 1909 legislature; agreed to and passed by the 1911 legislature; and approved and ratified by the people at the 1912 general election. See: Statutes of Nevada 1909, p. 347; Statutes of Nevada 1911, p. 446. The first amendment was proposed by initiative petition and approved and ratified by the people at the general election of 1958. The second amendment was proposed and passed by the 1960 legislature; agreed to and passed by the 1961 legislature; and approved and ratified by the people at the 1962 general election. See: Statutes of Nevada 1960, p. 512; Statutes of Nevada 1961, p. 813. The third and fourth amendments were proposed and passed by the 1969 legislature; agreed to and passed by the 1971 legislature; and approved and ratified by the people at the 1972 general election. See: Statutes of Nevada 1969, pp. 1680, 1719; Statutes of Nevada 1971, pp. 2230, 2260. The fifth amendment was proposed and passed by the 1985 legislature; agreed to and passed by the 1987 legislature; and approved and ratified by the people at the 1988 general election. See: Statutes of Nevada 1985, p. 2364; Statutes of Nevada 1987, p. 2348. The sixth amendment was proposed and passed by the 1995 legislature; agreed to and passed by the 1997 legislature; and approved and ratified by the people at the 1998 general election. See: Statutes of Nevada 1995, p. 2949; Statutes of Nevada 1997, p. 3593.]

Sec. 3. Referendum and initiative petitions: Contents and form; signatures; enacting clause; manner of verification of signatures.

1. Each referendum petition and initiative petition shall include the full text of the measure proposed. Each signer shall affix thereto his or her signature, residence address and the name of the county in which he or she is a registered voter. The petition may consist of more than one document, but each document shall have affixed thereto an affidavit made by one of the signers of such document to the effect that all of the signatures are genuine and that each individual who signed such document was at the time of signing a registered voter in the county of his or her residence. The affidavit shall be executed before a person authorized by law to administer oaths in the State of Nevada. The enacting clause of all statutes or amendments proposed by initiative petition shall be: "The People of the State of Nevada do enact as follows:".

2. The Legislature may authorize the Secretary of State and the other public officers to use generally accepted statistical procedures in conducting a preliminary verification of the number of signatures submitted in connection with a referendum petition or an initiative petition, and for this purpose to require petitions to be filed no more than 65 days earlier than is otherwise required by this Article.

[Added in 1912, amended in 1958, 1962, and 1988. The addition was proposed and passed by the 1909 legislature; agreed to and passed by the 1911 legislature; and approved and ratified by the people at the 1912 general election. See: Statutes of Nevada 1909, p. 347; Statutes of Nevada 1911, p. 446. The first amendment was proposed by initiative petition and approved and ratified by the people at the general election of 1958. The second amendment was proposed and passed by the 1960 legislature; agreed to and passed by the 1961 legislature; and approved and ratified by the people at the 1962 general election. See: Statutes of Nevada 1960, p. 512; Statutes of Nevada 1961, p. 813. The third amendment was proposed and passed by the 1985 legislature; agreed to and passed by the 1987 legislature; and approved and ratified by the people at the 1988 general election. See: Statutes of Nevada 1985, p. 2365; Statutes of Nevada 1987, p. 2349.]

Assembly Joint Resolution No. 11–Mr. Swackhamer

[To be returned to 1961 Legislature]

FILE NUMBER 35

ASSEMBLY JOINT RESOLUTION–Proposing to amend article XIX of the constitution of the State of Nevada, relating to initiative and referendum, by clarifying the provisions of such article.

Resolved by the Assembly and Senate of the State of Nevada, jointly, That article XIX of the constitution of the State of Nevada be amended to read as follows:

[ARTICLE XIX

Section 1. Whenever ten per centum or more of the voters of this State, as shown by the number of votes cast at the last preceding

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↓1960 Statutes of Nevada, Page 513 ([FILE NUMBER 35, AJR 11](#))↓

general election, shall express their wish that any law or resolution made by the Legislature be submitted to a vote of the people, the officers charged with the duties of announcing and proclaiming elections and of certifying nominations or questions to be voted on, shall submit the question of the approval or disapproval of said law or resolution to be voted on at the next ensuing election wherein a State or Congressional officer is to be voted for, or wherein any question may be voted on, by the electors of the entire State.

Sec. 2. When a majority of the electors voting at a State election shall by their votes signify approval of a law or resolution such law or resolution shall stand as the law of the State and shall not be overruled, annulled, set aside, suspended, or in any way made inoperative except by the direct vote of the people. When such majority shall so signify disapproval the law or resolution so disapproved shall be void and of no effect.

Sec. 3. The people reserve to themselves the power to propose laws and the power to propose amendments to the constitution and to enact or reject the same at the polls, independent of the legislature, and also reserve the power at their option to approve or reject at the polls, in the manner herein provided, any act, item, section or part of any act or measure passed by the legislature, and section one of article four of the constitution shall hereafter be considered accordingly. The first power reserved by the people is the initiative. The initiative petition shall be proposed by not less than ten per cent (10%) of the qualified electors of each of not less than seventy five per cent (75%) of the counties in the state, provided, however, that the total number of qualified electors proposing the said petition shall be not less than ten per cent (10%) of all of the qualified electors of the State. Every such petition shall include the full text of the measure so proposed. Each signer shall affix thereto his or her signature, place of residence and the county within which he or she is a qualified elector. Each document comprising the initiative petition filed with the Secretary of State shall have affixed thereto, an affidavit made by one of the signers to each of said documents or to the petition, to the effect that all of the signatures are genuine and that each and every individual who signed his or her name thereto was at the time that he or she signed the petition a bonafide qualified elector of the respective county and the State of Nevada, said affidavit to be executed before a Notary Public or some officer authorized to administer an oath who possesses a seal. Initiative petitions, for all but municipal legislation, shall be filed with the secretary of state not less than thirty (30) days before any regular session of the legislature; the secretary of state shall transmit the same to the legislature as soon as it convenes and organizes. Such initiative measure shall take precedence over all measures of the legislature except appropriation bills, and shall be enacted or rejected by the legislature, without change or amendment, within forty (40) days. If any such initiative measure so proposed by petition as aforesaid, shall be enacted by the legislature and approved by the governor in the same manner as other laws are enacted, same shall become a law,

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↓1960 Statutes of Nevada, Page 514 ([FILE NUMBER 35, AJR 11](#))↓

but shall be subject to referendum petition as provided in sections one and two of this article. If said initiative measure be rejected by the legislature, or if no action be taken thereon within said forty (40) days, the secretary of state shall submit the same to the qualified electors for approval or rejection at the next ensuing general election; and if a majority

of the qualified electors voting thereon shall approve of such measure it shall become a law and take effect from the date of the official declaration of the vote; an initiative measure so approved by the qualified electors shall not be annulled, set aside or repealed by the legislature within three (3) years from the date said act takes effect. In case the legislature shall reject such initiative measure, said body may, with the approval of the governor, propose a different measure on the same subject, in which event both measures shall be submitted by the secretary of state to the qualified electors for approval or rejection at the next ensuing general election. The enacting clause of all bills proposed by the initiative shall be: "The people of the State of Nevada do enact as follows." The total number of votes cast at the general election last preceding the filing of any initiative petition shall be the basis on which the number of qualified electors required to sign such petition shall be counted. The second power reserved by the people is the referendum, which shall be exercised in the manner provided in sections one and two of this article. The initiative and referendum powers in this article provided for are further reserved to the qualified electors of each county and municipality as to all local, special and municipal legislation of every character in or for said respective counties or municipalities. The legislature may provide by law for the manner of exercising the initiative and referendum powers as to county and municipal legislation, but shall not require a petition of more than 10 per cent (10%) of the qualified electors to order the referendum, nor more than 15 per cent (15%) to propose any municipal measure by initiative. If the conflicting measures submitted to the people at the next ensuing general election shall both be approved by a majority of the votes severally cast for and against each of said measures, the measure receiving the highest number of affirmative votes shall thereupon become a law as to all conflicting provisions. The provisions of this section shall be self-executing, but legislation may be especially enacted to facilitate its operation.]

ARTICLE 19.

Initiative and Referendum

SECTION 1. 1. *Whenever a number of registered voters of this state equal to 10 percent or more of the number of voters who voted at the last preceding general election shall express their wish by filing a petition in the form provided for in section 3 of this article that any statute or resolution or any part thereof enacted by the legislature be submitted to a vote of the people, the officers charged with the duties of announcing and proclaiming elections and of certifying nominations or questions to be voted upon shall submit the question of approval or disapproval of such statute or resolution or any part*

↓1960 Statutes of Nevada, Page 515 ([FILE NUMBER 35, AJR 11](#))↓

thereof to a vote of the voters at the next succeeding election at which such question may be voted upon by the registered voters of the entire state.

2. *If a majority of the voters voting upon the proposal submitted at such election votes approval of such statute or resolution or any part thereof, such statute or resolution or any part thereof shall stand as the law of the state and shall not be amended, annulled, repealed, set aside, suspended or in any way made inoperative except by the direct vote of the people. If a majority of such voters votes disapproval of such statute or resolution or any part thereof, such statute or resolution or any part thereof shall be void and of no effect.*

SEC. 2. 1. *Notwithstanding the provisions of section 1 of article 4 of this constitution, the people reserve to themselves the power to propose, by initiative petition, statutes and amendments to statutes and amendments to this constitution, and to enact or reject them at the polls.*

2. *An initiative petition shall be in the form required by section 3 of this article and shall be proposed by a number of registered voters equal to 10 percent or more of the number of voters who voted at the last preceding general election in not less than 75 percent of the counties in the state, but the total number of registered voters signing the initiative petition shall be equal to 10 percent or more of the voters who voted in the entire state at the last preceding general election.*

3. *If the initiative petition proposes a statute or an amendment to a statute, it shall be filed with the secretary of state not less than 30 days prior to any regular session of the legislature. The secretary of state shall transmit such petition to the legislature as soon as the legislature convenes and organizes. The petition shall take precedence over all other measures except appropriation bills, and the statute or amendment to a statute proposed thereby shall be enacted or rejected by the legislature without change or amendment within 40 days. If the proposed statute or amendment to a statute is enacted by the legislature and approved by the governor in the same manner as other statutes are enacted, such statute or amendment to a statute shall become law, but shall be subject to referendum*

petition as provided in section 1 of this article. If the statute or amendment to a statute is rejected by the legislature, or if no action is taken thereon within 40 days, the secretary of state shall submit the question of approval or disapproval of such statute or amendment to a statute to a vote of the voters at the next succeeding general election. If a majority of the voters voting on such question at such election votes approval of such statute or amendment to a statute, it shall become law and take effect upon completion of the canvass of votes by the supreme court. An initiative measure so approved by the voters shall not be amended, annulled, repealed, set aside or suspended by the legislature within 3 years from the date it takes effect. If a majority of such voters votes disapproval of such statute or amendment to a statute,

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↓1960 Statutes of Nevada, Page 516 ([FILE NUMBER 35, AJR 11](#))↓

no further action shall be taken on such petition. If the legislature rejects such proposed statute or amendment, the governor may recommend to the legislature and the legislature may propose a different measure on the same subject, in which event, after such different measure has been approved by the governor, the question of approval or disapproval of each measure shall be submitted by the secretary of state to a vote of the voters at the next succeeding general election. If the conflicting provisions submitted to the voters are both approved by a majority of the voters voting on such measures, the measure which receives the largest number of affirmative votes shall thereupon become law.

4. If the initiative petition proposes an amendment to the constitution, it shall be filed with the secretary of state not less than 60 days before any regular general election at which the question of approval or disapproval of such amendment may be voted upon by the voters of the entire state. The secretary of state shall cause to be published in a newspaper of general circulation, on three separate occasions, in each county in the state, together with any explanatory matter which shall be placed upon the ballot, the entire text of the proposed amendment. If a majority of the voters voting on such question at such election votes disapproval of such amendment, no further action shall be taken on the petition. If a majority of such voters votes approval of such amendment, the secretary of state shall publish and resubmit the question of approval or disapproval to a vote of the voters at the next succeeding general election in the same manner as such question was originally submitted. If a majority of such voters votes disapproval of such amendment, no further action shall be taken on such petition. If a majority of such voters votes approval of such amendment, it shall become a part of this constitution upon completion of the canvass of votes by the supreme court.

SEC. 3. *Each referendum petition and initiative petition shall include the full text of the measure proposed. Each signer shall affix thereto his or her signature, residence address and the name of the county in which he or she is a registered voter. The petition may consist of more than one document, but each document shall have affixed thereto an affidavit made by one of the signers of such document to the effect that all of the signatures are genuine and that each individual who signed such document was at the time of signing a registered voter in the county of his or her residence. The affidavit shall be executed before a person authorized by law to administer oaths in the State of Nevada. The enacting clause of all statutes or amendments proposed by initiative petition shall be: "The people of the State of Nevada do enact as follows:".*

SEC. 4. *The initiative and referendum powers provided for in this article are further reserved to the registered voters of each county and each municipality as to all local, special and municipal legislation of every kind in or for such county or municipality. In counties or municipalities initiative petitions may be instituted by a number of registered voters equal to 15 percent or more of the voters who voted*

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↓1960 Statutes of Nevada, Page 517 ([FILE NUMBER 35, AJR 11](#))↓

at the last preceding general county or municipal election. Referendum petitions may be instituted by 10 percent or more of such voters.

SEC. 5. *The provisions of this article are self-executing but the legislature may provide by law for procedures to facilitate the operation thereof.*

**Constitutional Amendments To Be Voted
Upon in State of Nevada at General
Election, November 6, 1962**

**Constitutional Amendments To Be Voted Upon in State
of Nevada at the General Election,
November 6, 1962**

I, JOHN KOONTZ, the duly elected, qualified and acting Secretary of State of the State of Nevada, do hereby certify that the following Constitutional Amendments are to appear on the 1962 General Election Ballot:

QUESTION NO. 1

Amendment to the Constitution

—A—

Section 1, Article 10, of the Constitution now reads as follows:

SECTION 1. The legislature shall provide by law for a uniform and equal rate of assessment and taxation, and shall prescribe such regulations as shall secure a just valuation for taxation of all property, real, personal and possessory, except mines and mining claims, when not patented, the proceeds alone of which shall be assessed and taxed, and when patented, each patented mine shall be assessed at not less than five hundred dollars (\$500), except when one hundred dollars (\$100) in labor has been actually performed on such patented mine during the year, in addition to the tax upon the net proceeds; shares of stock (except shares of stock in banking corporations), bonds, mortgages, notes, bank deposits, book accounts and credits, and securities and choses in action of like character are deemed to represent interest in property already assessed and taxed, either in Nevada or elsewhere, and shall be exempt. Personal property which is moving in interstate commerce through or over the territory of the State of Nevada, or which was consigned to a warehouse, public or private, within the State of Nevada from outside the State of Nevada for storage in transit to a final destination outside the State of Nevada, whether specified when transportation begins or afterward, shall be deemed to have acquired no situs in Nevada for purposes of taxation and shall be exempt from taxation. Such property shall not be deprived of such exemption because while in the warehouse the property is assembled, bound, joined, processed, disassembled, divided, cut, broken in bulk, relabeled or repackaged. No inheritance or estate tax shall ever be levied, and there shall also be excepted such property as may be exempted by law for municipal, educational, literary, scientific or other charitable purposes.

If Question No. 1 is approved, Section 1, Article 10, of the Constitution will be amended by adding the language set forth in italics to read as follows:

SECTION 1. The legislature shall provide by law for a uniform and equal rate of assessment and taxation, and shall prescribe such regulations as shall secure a just valuation for taxation of all property, real, personal and possessory, except mines and mining claims, when not patented, the proceeds alone of which shall be assessed and taxed, and when patented, each patented mine shall be assessed at not less than five hundred dollars (\$500), except when one hundred dollars (\$100) in labor has been actually performed on such patented mine during the year, in addition to the tax upon the net proceeds; shares of stock (except shares of stock in banking corporations), bonds, mortgages, notes, bank deposits, book accounts and credits, and securities and choses in action of like character are deemed to represent interest in property already assessed and taxed, either in Nevada or elsewhere, and shall be exempt. Personal property which is moving in interstate commerce through or over the territory of the State of Nevada, or which was consigned to a warehouse, public or private, within the State of Nevada from outside the State of Nevada for storage in transit to a final destination outside the State of Nevada, whether specified when transportation begins or afterward, shall be deemed to have acquired no situs in Nevada for purposes of taxation and shall be exempt from taxation. Such property shall not be deprived of such exemption because while in the warehouse the property is assembled, bound, joined, processed, disassembled, divided, cut, broken in bulk, relabeled or repackaged. *The legislature may exempt motor vehicles from the provisions of the tax required by this section, and in lieu thereof, if such exemption is granted, shall provide for a uniform and equal rate of assessment and taxation of motor vehicles, which rate shall not exceed five cents on one dollar of assessed valuation.* No inheritance or estate tax shall ever be levied, and there shall also be excepted such property as may be exempted by law for municipal, educational, literary, scientific or other charitable purposes.

**Explanation of the Purpose of the Proposed Amendment to
Section 1, Article 10, of the Constitution of Nevada**

The proposed amendment to Section 1 of Article 10 does not change the section except to add the following new language:

The legislature may exempt motor vehicles from the provisions of the tax required by this section, and in lieu thereof, if such exemption is granted, shall provide for a uniform and equal rate of assessment and taxation of motor vehicles, which rate shall not exceed five cents on one dollar of assessed valuation.

The taxation of real estate and personal property under Article 10 of the Constitution is commonly called ad valorem (according to value) taxation. Section 1 of Article 10 presently requires that all real estate and personal property be uniformly and equally assessed throughout the State. This means that its value must be uniformly

and equally determined by assessing officers in each and every taxing district. Once the property is assessed and its value determined, it is taxed at a rate not to exceed five cents on one dollar of assessed valuation. However, tax rates vary widely among the many taxing districts in Nevada. Real estate and personal property, exclusive of motor vehicles, is taxed at the rate of the taxing district in which it is situated, and motor vehicles are taxed at the rate of the taxing district in which the registered owner resides. Thus, in the case of motor vehicles, the tax rate of identical models and makes varies considerably among the taxing districts.

The proposed amendment to Section 1 of Article 10, if approved, will authorize the Legislature to exempt motor vehicles from the tax rate of the various taxing districts and, in lieu thereof, to substitute a uniform state-wide rate not to exceed the rate of five cents on one dollar assessed valuation.

The 1960 and 1961 Legislatures believed that a uniform state-wide rate of taxation is justified. Unlike most personal property, motor vehicles are mobile and are frequently driven over streets and highways of taxing districts other than the districts in which the motor vehicles are taxed.

The said Legislatures felt that the present variety of tax rates in the many taxing districts of Nevada makes the work of the Department of Motor Vehicles difficult and that if the proposed amendment is approved, the licensing of motor vehicles and the collection of personal property taxes thereon by the Motor Vehicle Department will be simplified. If the proposed amendment is approved, the Legislature will not be empowered to tax motor vehicles at any higher rate than the same may now be taxed.

—B—

Section 5 of Article 9 of the Constitution now reads as follows:

SECTION 5. The proceeds from the imposition of any license or registration fee and other charge with respect to the operation of any motor vehicle upon any public highway in this state and the proceeds from the imposition of any excise tax on gasoline or other motor vehicle fuel shall, except costs of administration, be used exclusively for the construction, maintenance, and repair of the public highways of this state.

If Question No. 1 is approved, Section 5 of Article 9 will be amended by adding the language set forth in italics to read as follows:

SECTION 5. The proceeds from the imposition of any license or registration fee and other charge with respect to the operation of any motor vehicle upon any public highway in this state and the proceeds from the imposition of any excise tax on gasoline or other motor vehicle fuel shall, except costs of administration, be used exclusively for the construction, maintenance, and repair of the public highways of this state. *The provisions of this section do not apply to the proceeds of any tax imposed upon motor vehicles by legislature in lieu of an ad valorem property tax.*

Explanation of the Purpose of the Proposed Amendment to Section 5, Article 9, of the Constitution of Nevada

The proposed amendment to Section 5 of Article 9 does not change the section except to add the following new language:

The provisions of this section do not apply to the proceeds of any tax imposed upon motor vehicles by the legislature in lieu of an ad valorem property tax.

Section 5 of Article 9 of the Constitution as it now reads requires that the proceeds of license and registration fees imposed on motor vehicles, and the excise taxes on gasoline and other motor fuels, be used exclusively for the construction and maintenance of public highways. All real estate taxes and personal property taxes now collected, including those now imposed upon motor vehicles, are not required by the Constitution to be used for the construction and maintenance of public highways.

If the proposed amendment to Section 1 of Article 10 of the Constitution, empowering the Legislature to provide for a state-wide uniform rate of taxation of motor vehicles in lieu of the present variety of tax rates of the many taxing districts in the State, is approved, an amendment to Section 5 of Article 9 is necessary to make it clear that the proceeds of the proposed new state-wide uniform motor vehicles taxes are not required by the Constitution to be used for the construction and maintenance of public highways, and that the new uniform state-wide personal property tax on motor vehicles can be distributed to the State and the various taxing districts in exactly the same manner as the Legislature now distributes all personal property taxes.

Statements for the Printed Ballots and Voting Machines

The following language should appear on the printed ballots and voting machines:

Question No. 1.

Amendment to the Constitution.

Shall—Section 1 of Article 10 of the Constitution be amended to authorize the Legislature to provide for a uniform state-wide tax upon motor vehicles in lieu of the present ad valorem personal property tax of the various taxing districts, and shall Section 5 of Article 9 be amended to provide that the proceeds of such in lieu tax need not be expended for public highways?

Yes	40,177	<input type="checkbox"/>
No	31,166	<input type="checkbox"/>

(Explanation of Question No. 1)

Presently there are many different personal property tax rates that must be applied by the Department of Motor Vehicles. The tax rate of the taxing district in which the registered owner of the motor

vehicle resides must be used. If Question No. 1 is approved, a uniform and equal tax rate for motor vehicles may be established throughout the State. The present motor vehicle personal property tax cannot exceed five cents on one dollar of assessed valuation and is not required to be used for public highways. Similarly, the new uniform tax could not exceed five cents on one dollar of assessed valuation and would not be required to be used for public highways.

QUESTION NO. 2

Amendment to the Constitution

Article 19 of the Constitution of the State of Nevada now reads as follows:

SECTION 1. Whenever ten per centum or more of the voters of this State, as shown by the number of votes cast at the last preceding general election, shall express their wish that any law or resolution made by the Legislature be submitted to a vote of the people, the officers charged with the duties of announcing and proclaiming elections and of certifying nominations or questions to be voted on, shall submit the question of the approval or disapproval of said law or resolution to be voted on at the next ensuing election wherein a State or Congressional officer is to be voted for, or wherein any question may be voted on, by the electors of the entire State.

SEC. 2. When a majority of the electors voting at a State election shall by their votes signify approval of law or resolution such law or resolution shall stand as the law of the State and shall not be overruled, annulled, set aside, suspended, or in any way made inoperative except by the direct vote of the people. When such majority shall so signify disapproval the law or resolution so disapproved shall be void and of no effect.

SEC. 3. The people reserve to themselves the power to propose laws and the power to propose amendments to the constitution and to enact or reject the same at the polls, independent of the legislature, and also reserve the power at their option to approve or reject at the polls, in the manner herein provided, any act, item, section or part of any act or measure passed by the legislature, and section one of article four of the constitution shall hereafter be considered accordingly. The first power reserved by the people is the initiative. The initiative petition shall be proposed by not less than ten per cent (10%) of the qualified electors of each of not less than seventy five per cent (75%) of the counties in the state, provided, however, that the total number of qualified electors proposing the said petition shall be not less than ten per cent (10%) of all of the qualified electors of the State. Every such petition shall include the full text of the measure so proposed. Each signer shall affix thereto his or her signature, place of residence and the county within which he or she is a qualified elector. Each document comprising the initiative petition filed with the Secretary of State shall have

affixed thereto, an affidavit made by one of the signers to each of said documents or to the petition, to the effect that all of the signatures are genuine and that each and every individual who signed his or her name thereto was at the time that he or she signed the petition a bona fide qualified elector of the respective county and the State of Nevada, said affidavit to be executed before a Notary Public or some officer authorized to administer an oath who possesses a seal. Initiative petitions, for all but municipal legislation, shall be filed with the secretary of state not less than thirty (30) days before any regular session of the legislature; the secretary of state shall transmit the same to the legislature as soon as it convenes and organizes. Such initiative measure shall take precedence over all measures of the legislature except appropriation bills, and shall be enacted or rejected by the legislature, without change or amendment, within forty (40) days. If any such initiative measure so proposed by petition as aforesaid, shall be enacted by the legislature and approved by the governor in the same manner as other laws are enacted, same shall become a law, but shall be subject to referendum petition as provided in sections one and two of this article. If said initiative measure be rejected by the legislature, or if no action be taken thereon within said forty (40) days, the secretary of state shall submit the same to the qualified electors for approval or rejection at the next ensuing general election; and if a majority of the qualified electors voting thereon shall approve of such measure it shall become a law and take effect from the date of the official declaration of the vote; an initiative measure so approved by the qualified electors shall not be annulled, set aside or repealed by the legislature within three (3) years from the date said act takes effect. In case the legislature shall reject such initiative measure, said body may, with the approval of the governor, propose a different measure on the same subject, in which event both measures shall be submitted by the secretary of state to the qualified electors for approval or rejection at the next ensuing general election. The enacting clause of all bills proposed by the initiative shall be: "The people of the State of Nevada do enact as follows." The total number of votes cast at the general election last preceding the filing of any initiative petition shall be the basis on which the number of qualified electors required to sign such petition shall be counted. The second power reserved by the people is the referendum, which shall be exercised in the manner provided in sections one and two of this article. The initiative and referendum powers in this article provided for are further reserved to the qualified electors of each county and municipality as to all local, special and municipal legislation of every character in or for said respective counties or municipalities. The legislature may provide by law for the manner of exercising the initiative and referendum powers as to county and municipal legislation, but shall not require a petition of more than 10 per cent (10%) of the qualified electors to order the referendum, nor more than 15 per cent (15%) to propose

any municipal measure by initiative. If the conflicting measures submitted to the people at the next ensuing general election shall both be approved by a majority of the votes severally cast for and against each of said measures, the measure receiving the highest number of affirmative votes shall thereupon become a law as to all conflicting provisions. The provisions of this section shall be self-executing, but legislation may be especially enacted to facilitate its operation.

If Question No. 2 is approved, Article 19 will be amended to read as follows:

SECTION 1. 1. Whenever a number of registered voters of this state equal to 10 percent or more of the number of voters who voted at the last preceding general election shall express their wish by filing a petition in the form provided for in section 3 of this article that any statute or resolution or any part thereof enacted by the legislature be submitted to a vote of the people, the officers charged with the duties of announcing and proclaiming elections and of certifying nominations or questions to be voted upon shall submit the question of approval or disapproval of such statute or resolution or any part thereof to a vote of the voters at the next succeeding election at which such question may be voted upon by the registered voters of the entire state.

2. If a majority of the voters voting upon the proposal submitted at such election votes approval of such statute or resolution or any part thereof, such statute or resolution or any part thereof shall stand as the law of the state and shall not be amended, annulled, repealed, set aside, suspended or in any way made inoperative except by the direct vote of the people. If a majority of such voters votes disapproval of such statute or resolution or any part thereof, such statute or resolution or any part thereof shall be void and of no effect.

SEC. 2. 1. Notwithstanding the provisions of section 1 of article 4 of this constitution, the people reserve to themselves the power to propose, by initiative petition, statutes and amendments to statutes and amendments to this constitution, and to enact or reject them at the polls.

2. An initiative petition shall be in the form required by section 3 of this article and shall be proposed by a number of registered voters equal to 10 percent or more of the number of voters who voted at the last preceding general election in not less than 75 percent of the counties in the state, but the total number of registered voters signing the initiative petition shall be equal to 10 percent or more of the voters who voted in the entire state at the last preceding general election.

3. If the initiative petition proposes a statute or an amendment to a statute, it shall be filed with the secretary of state not less than 30 days prior to any regular session of the legislature. The secretary of state shall transmit such petition to the legislature as soon as the legislature convenes and organizes. The petition shall take precedence over all other measures except

appropriation bills, and the statute or amendment to a statute proposed thereby shall be enacted or rejected by the legislature without change or amendment within 40 days. If the proposed statute or amendment to a statute is enacted by the legislature and approved by the governor in the same manner as other statutes are enacted, such statute or amendment to a statute shall become law, but shall be subject to referendum petition as provided in section 1 of this article. If the statute or amendment to a statute is rejected by the legislature, or if no action is taken thereon within 40 days, the secretary of state shall submit the question of approval or disapproval of such statute or amendment to a statute to a vote of the voters at the next succeeding general election. If a majority of the voters voting on such question at such election votes approval of such statute or amendment to a statute, it shall become law and take effect upon completion of the canvass of votes by the supreme court. An initiative measure so approved by the voters shall not be amended, annulled, repealed, set aside or suspended by the legislature within 3 years from the date it takes effect. If a majority of such voters votes disapproval of such statute or amendment to a statute, no further action shall be taken on such petition. If the legislature reject such proposed statute or amendment, the governor may recommend to the legislature and the legislature may propose a different measure on the same subject, in which event, after such different measure has been approved by the governor, the question of approval or disapproval of each measure shall be submitted by the secretary of state to a vote of the voters at the next succeeding general election. If the conflicting provisions submitted to the voters are both approved by a majority of the voters voting on such measures, the measure which receives the largest number of affirmative votes shall thereupon become law.

4. If the initiative petition proposes an amendment to the constitution, it shall be filed with the secretary of state not less than 60 days before any regular general election at which the question of approval or disapproval of such amendment may be voted upon by the voters of the entire state. The secretary of state shall cause to be published in a newspaper of general circulation, on three separate occasions, in each county in the state, together with any explanatory matter which shall be placed upon the ballot, the entire text of the proposed amendment. If a majority of the voters voting on such question at such election votes disapproval of such amendment, no further action shall be taken on the petition. If a majority of such voters votes approval of such amendment, the secretary of state shall publish and resubmit the question of approval or disapproval to a vote of the voters at the next succeeding general election in the same manner as such question was originally submitted. If a majority of such voters votes disapproval of such amendment, no further action shall be taken on such petition. If a majority of such voters votes approval of such amendment, it shall become a part

of this constitution upon completion of the canvass of votes by the supreme court.

SEC. 3. Each referendum petition and initiative petition shall include the full text of the measure proposed. Each signer shall affix thereto his or her signature, residence address and the name of the county in which he or she is a registered voter. The petition may consist of more than one document, but each document shall have affixed thereto an affidavit made by one of the signers of such document to the effect that all of the signatures are genuine and that each individual who signed such document was at the time of signing a registered voter in the county of his or her residence. The affidavit shall be executed before a person authorized by law to administer oaths in the State of Nevada. The enacting clause of all statutes or amendments proposed by initiative petition shall be: "The People of the State of Nevada do enact as follows:".

SEC. 4. The initiative and referendum powers provided for in this article are further reserved to the registered voters of each county and each municipality as to all local, special and municipal legislation of every kind in or for such county or municipality. In counties and municipalities initiative petitions may be instituted by a number of registered voters equal to 15 percent or more of the voters who voted at the last preceding general county or municipal election. Referendum petitions may be instituted by 10 percent or more of such voters.

SEC. 5. The provisions of this article are self-executing but the legislature may provide by law for procedures to facilitate the operation thereof.

Explanation of the Purpose of the Proposed Amendment to Article 19 of the Constitution of Nevada

Article 19 presently provides the procedure by which the people exercise their power to propose laws and amendments to the Constitution and to have laws and resolutions passed by the Legislature submitted to them for their approval or rejection. This first power is called "initiative"; the second power is referred to as "referendum."

Although entirely rewritten to clarify its provisions, the proposed amendment leaves Article 19 substantially unchanged, except that the method of amending the Constitution by the people is different.

In order to amend the Constitution pursuant to the present Article 19, the initiative petition containing the required number of signatures is presented to the Legislature for approval or rejection. If approved by the Legislature and the Governor, the Constitution is then amended without the people having had an opportunity to express their approval or disapproval of the change in the Constitution. Only when the Legislature does not approve the people's initiative petition to amend the Constitution is the question required to be placed on the ballot at the next general election for the approval or disapproval of the people.

The proposed Article 19 provides that the people's initiative petition proposing a constitutional amendment would not be presented to the Legislature or Governor at all, but would appear on the ballot at the next general election, and, if approved, would again be submitted to the voters at the following general election (two years later). If twice approved by the voters at two successive general elections, the amendment would then become part of the Constitution of Nevada.

It should be noted that there are two methods of amending the Constitution. First, pursuant to Article 16, and second, pursuant to Article 19. When Article 16 is employed, the Constitution is amended when two successively elected Legislatures have approved by resolution an amendment to the Constitution. The then proposed amendment is submitted to a vote of the people for approval or disapproval at the next general election and, if approved, the proposed amendment becomes a part of the Constitution.

It should be noted that when Article 16 is employed, the Legislature, not the people, must first propose a change in the Constitution.

If Question No. 2 is approved, then when Article 19 is employed to amend the Constitution, the proposed change will be initiated by the people and become a part of the Constitution after the voters have approved the proposed change at the next two successive general elections.

Statements for the Printed Ballots and Voting Machines

The following language should appear on the printed ballots and voting machines:

Question No. 2.

Amendment to the Constitution.

Shall—Article 19 of the Constitution be amended so as to clarify its provisions and change the method of amending the Constitution by the people's initiative by eliminating the requirement of presenting the proposed change in the Constitution to the Legislature and Governor, and requiring instead that the question proposing the constitutional amendment be submitted to the voters at two successive general elections?

Yes	38,188	<input type="checkbox"/>
No	29,352	<input type="checkbox"/>

(Explanation of Question No. 2)

Presently an initiative petition proposing amendment to the Constitution under Article 19 is presented to the Legislature and, if approved by the Legislature and Governor, the Constitution stands amended. If Question No. 2 is approved, the people's initiative petition proposing an amendment to the Constitution would not be presented to the Legislature or Governor at all, but would appear on the general election ballot at the next two general elections and if twice approved by the voters, the amendment would become a part of the Constitution.

Section 293.253 of Nevada Revised Statutes places a duty upon the Secretary of State as well as upon the County Clerks. NRS 293.253 provides:

1. *The secretary of state shall provide each county clerk with copies of any proposed constitution, constitutional amendment or question on or before the 1st Monday in August of the year in which such constitution, amendment or question will appear on the general election ballot.*

2. *On or before the 4th Friday in October, each county clerk shall post one such copy at each polling place in the county outside the limits of incorporated cities.*

3. Each county clerk shall cause a copy of any such constitution, amendment or question to be published in a newspaper of general circulation in the county three times at 10-day intervals, the first publication to be on or before the 1st Monday in October. If no such newspaper is published in the county, then such publication may be made in a newspaper of general circulation published in the nearest Nevada county.

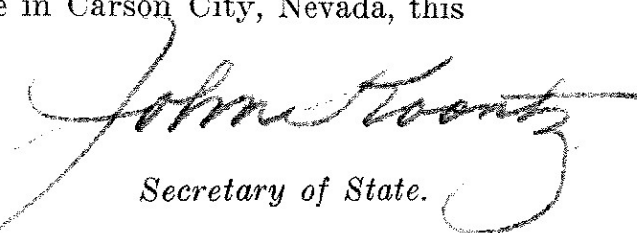
(Italics supplied.)

Pursuant to NRS 293.247, the Secretary of State has promulgated rules and regulations for the conduct of elections. Rule 62a and b read as follows:

62. a. Whenever any question is to be submitted to the vote of the people, it shall be printed upon the ballot in such manner as to enable the electors to vote "Yes" or "No" upon the question submitted in the manner provided by law. The words "Yes" and "No" separated by a lightface rule, with a square after each of the size prescribed by law, shall be printed upon the ballot after each question, with a brief statement of the purport of such question, in plain, ordinary language which may be readily understood by the ordinary lay person.

b. Before every question or constitutional amendment to be voted upon there shall be placed a number, to be designated by the Secretary of State, in boldface type not smaller than 24-point.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Great Seal of the State, at my office in Carson City, Nevada, this first day of June, 1962.


Secretary of State.

(SEAL)

30

Voter Approval of Constitutional Amendments

Proposals in Other States

State: North Dakota

Title: SCR 4001

Summary: Changes North Dakota Constitution to require that after an initiative to amend the North Dakota Constitution passes a general election, it must next be submitted to the subsequent Legislative Assembly. If it passes both houses of that assembly, the initiative is deemed enacted. If it does not pass both houses, it must then be placed on the ballot of the next general election.

Status: Will be on the North Dakota ballot in November 2020.

North Dakota Legislative Branch

Bill Actions for SCR 4001

Send me to Bill No. (9999):

HJ=House Journal; SJ=Senate Journal

Introduced by Sen. Hogue, Dever, G. Lee

Introduced by Rep. K. Koppelman, Louser, Nathe

A concurrent resolution to amend and reenact section 9 of article III of the Constitution of North Dakota, relating to the process for approving constitutional amendments.

Date	Chamber	Meeting Description	Journal
01/03	Senate	Introduced, first reading, referred Government and Veterans Affairs Committee	SJ 137
01/10	Senate	Committee Hearing 02:00	
02/15	Senate	Reported back amended, do not pass, placed on calendar 7 0 0	SJ 662
02/18	Senate	Amendment adopted, placed on calendar	SJ 678
		Second reading, adopted yeas 31 nays 16	SJ 679
02/19	House	Received from Senate	HJ 968
02/27	House	Introduced, first reading, referred Government and Veterans Affairs Committee	HJ 1024
03/14	House	Committee Hearing 08:15	
04/09	House	Reported back amended, do pass, amendment placed on calendar 8 5 1	HJ 1651
04/10	House	Amendment adopted, placed on calendar	HJ 1661
04/11	House	Second reading, adopted as amended yeas 63 nays 30	HJ 1731
	Senate	Returned to Senate (12)	SJ 1443
04/15	Senate	Concurred	SJ 1576
		Second reading, adopted yeas 31 nays 15	SJ 1576
04/16	House	Signed by Speaker	HJ 1875
04/17	Senate	Signed by President	SJ 1660
		Filed with Secretary Of State 04/17	SJ 1660

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**Sixty-sixth Legislative Assembly of North Dakota
In Regular Session Commencing Thursday, January 3, 2019**

SENATE CONCURRENT RESOLUTION NO. 4001
(Senators Hogue, Dever, G. Lee)
(Representatives K. Koppelman, Louser, Nathe)

A concurrent resolution to amend and reenact section 9 of article III of the Constitution of North Dakota, relating to the process for approving constitutional amendments.

STATEMENT OF INTENT

This measure requires an initiated constitutional measure approved by voters to be submitted to the subsequent legislative assembly. Under this measure, if the legislative assembly does not approve the constitutional measure, the measure will be placed on the ballot again, and, if approved by the voters, will become effective. The measure also requires constitutional amendments to be submitted to voters only at general elections.

BE IT RESOLVED BY THE SENATE OF NORTH DAKOTA, THE HOUSE OF REPRESENTATIVES CONCURRING THEREIN:

That the following proposed amendment to section 9 of article III of the Constitution of North Dakota is agreed to and must be submitted to the qualified electors of North Dakota at the general election to be held in 2020, in accordance with section 16 of article IV of the Constitution of North Dakota.

SECTION 1. AMENDMENT. Section 9 of article III of the Constitution of North Dakota is amended and reenacted as follows:

Section 9. A constitutional amendment may be proposed by initiative petition. If signed by electors equal in number to four percent of the resident population of the state at the last federal decennial census, the petition for a constitutional amendment may be submitted to the secretary of state. An initiative to amend the constitution may be placed on the ballot only at a general election. If electors approve an initiative for a constitutional amendment, the amendment must be submitted to the subsequent legislative assembly. If the initiative is approved by a majority of members of each house in the legislative assembly, the initiative is deemed enacted. If the legislative assembly does not approve the initiative, the initiative must be placed on the ballot at the next general election. If the majority of votes cast on the initiative are affirmative, the initiative is deemed enacted. All other provisions relating to initiative measures apply ~~hereto~~ to initiative measures for constitutional amendments.

President of the Senate

Speaker of the House

Secretary of the Senate

Chief Clerk of the House

Filed in this office this _____ day of _____, 2019,
at _____ o'clock _____ M.

Secretary of State

From: [Ness, Claire J.](#)
To: [ATKINSON, JESSE](#)
Subject: North Dakota SCR No. 4001 (2019)
Date: Friday, December 06, 2019 9:35:05 AM

Good morning, Jesse,

Here is the information on Senate Concurrent Resolution No. 4001 (2019) we discussed earlier this week. I spoke with our fiscal staff, and our office did not prepare a fiscal note or do any budget analysis for the resolution. The preliminary legislative history for the resolution is [here](#), in case it might be of use. The materials generated for the 2017-18 interim Initiated and Referred Measures Study Commission are [here](#). The minutes for the July 2017 meeting include links to background materials describing North Dakota's and other states' statutes and constitutional provisions regarding initiated and referred measures.

Kind regards,
Claire

Claire J. Ness
Counsel
Legislative Council
600 East Boulevard Avenue
Bismarck, ND 58505
(701) 328-3208

Tab 4

State and Local Materials



FLORIDA DEPARTMENT *of* STATE

RON DESANTIS
Governor

LAUREL M. LEE
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

Division of Elections
R.A. Gray Building, Suite 316 • 500 South Bronough Street • Tallahassee, Florida 32399
850.245.6200 • 850.245.6217 (Fax) • [DOS.MyFlorida.com/elections](https://dos.myflorida.com/elections)



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.

ATKINSON.JESSE

From: Mark Earley <EarleyM@leoncountyfl.gov>
Sent: Thursday, December 12, 2019 3:59 PM
To: ATKINSON.JESSE; Baker, Amy; Schenker, Pamela
Cc: Ronald Labasky; Tammy Jones
Subject: FIEC items re Voter Approval of Constitutional Amendments - Petition Initiative 19-08
Attachments: FIEC 19-08 Notes.xlsx

Committee Members,

Please accept these notes relating to my presentation on Friday Dec 6, 2019 before your committee. I have tried to identify the most likely fixed and ongoing costs that would be imposed upon local Supervisors of Election's should PI 19-08 become law. The precise costs for any specific county are difficult to quantify. But note that these costs are real and substantial. I would project a roughly 10-20% increase in the costs to conduct a general election. Also, depending on the size of the county, the costs for building improvements, staffing additions, and equipment purchases could run into the many tens of thousands of dollars.

Thank you,

Mark

[Mark S. Earley - CERA, MFCEP](#)
Supervisor of Elections
Leon County, Florida USA

850.606.8683

Leon County Election Center
2990-1 Apalachee Pkwy
Tallahassee FL 32301

Mailing Address

PO Box 7357
Tallahassee FL 32314-7357

<https://www.leonvotes.org/>

Florida Online Voter Registration:
<https://www.LeonVotes.org/OVR>

Facebook.com/LeonVotes
@LeonVotes - Twitter/Instagram

Voting is the most important expression of our collective wisdom.

LIKELY COST INCREASES	
One time cost based upon worst case scenario planning	Recurring but variable cost based upon individual election parameters

Ballot length

One of biggest impacts to election process
 Longer ballots in General Elections - at least double length in smaller counties (1 page increase to 2 pages per voter)
 addt'l 3 to 4 pages per voter very possible for larger counties

	ballot printing costs
Hardware - more voting machines	
More BOD printers	
	Consumables for EV ballot printers
	Networking component costs

Time to vote

Early Voting & Election Day
 longer lines

Larger polling places	
	More poll workers
equipment storage space	
maintenance costs due to additional equipment and heavier usage	
voting privacy stations	

Testing

Longer and more complicated

	more people on staff to conduct tests
	larger test decks

Vote-by-Mail

	VBM postage increase due to weight of addt'l ballot pages
	ballot printing costs
	ballot design/testing/proofing
	larger VBM envelopes

Voter education / confusion

Anticipation is that voters will be very confused

	Sample ballot length
	Sample ballot delivery costs
	Newspaper and other media costs for education efforts

Recounts

Will take much longer and involve more people

Purchase new and more expensive central tabulators	
--	--

Audits

Will take much longer and involve more people

Purchase new and more expensive central tabulators	
--	--

Tab 5

Materials from the Sponsor



THE FLORIDA LEGISLATURE

OFFICE OF ECONOMIC AND DEMOGRAPHIC RESEARCH



BILL GALVANO
President of the Senate

JOSE R. OLIVA
*Speaker of the House of
Representatives*

Jason H. Haber, Chairperson
Keep Our Constitution Clean PC
Post Office Box 30265
Fort Lauderdale, FL 33303

Dear Mr. Haber,

I am writing to inform you that the petition initiative entitled "*Voter Approval of Constitutional Amendments 19-08*" has triggered the required Financial Impact Estimating Conference (FIEC) review, and the principals have now been appointed. I have attached the notice containing information regarding the upcoming meetings.

As you may know, the Legislature passed CS/CS/HB 5 regarding Ballot Measures on May 3, 2019, and it was subsequently signed by the Governor. This will be the third FIEC called after the passage of the new law. Among other things, it changes the FIEC process. One of the new provisions indicates that:

Immediately upon receipt of a proposed revision or amendment from the Secretary of State, the Coordinator of the Office of Economic and Demographic Research shall contact the person identified as the sponsor to request an official list of all persons authorized to speak on behalf of the named sponsor and, if there is one, the sponsoring organization at meetings held by the Financial Impact Estimating Conference.

In part, this letter is a formal request for you to make your designation in writing.

I also need to make you aware of an opportunity to participate in the process. To provide context, below you will find general information regarding the FIEC's work:

In 2004, a constitutional amendment passed that requires initiative petitions be filed with the Secretary of State by February 1st of each general election year in order to be eligible for ballot consideration. This has been interpreted to mean that all signatures have been certified by the local supervisors of election and that the other requirements for geographic distribution have been met. For 2020, the required number of valid signatures is 766,200.

Section 15.21, Florida Statutes, further requires the Secretary of State to "immediately submit an initiative petition to the Attorney General and to the Financial Impact Estimating Conference" once the certified forms "equal...10 percent of the number of electors statewide and in at least one-fourth of the congressional districts required by s. 3, Art XI of the State Constitution." For 2020, this means that there are at least 76,632 valid and qualifying signatures. Upon receipt, the Financial Impact Estimating Conference (FIEC) has 75 days to complete an analysis and financial impact statement to be placed on the ballot (s. 100.371, Florida Statutes). In practice, the 75-day

June 17, 2019

Page 2

window has begun when the Legislative Office of Economic and Demographic Research (EDR) received the official transmittal letter.

Each FIEC is responsible for the development of two products: (1) a ballot impact statement of no more than 150 words to be included after the ballot summary; and, (2) a detailed financial information statement, including a summary of not more than 500 words. In the past, each of the documents was limited to an analysis of the estimated increase or decrease in revenues or costs to state or local governments. This was modified by the new law to include an additional analysis of the estimated economic impact on the state and local economy and an additional analysis of the overall impact to the state budget. Governing the entire process, the Supreme Court has required that the statements must reflect only the "probable financial impact" of the amendment.

Typically, we set aside time at the first meeting (referred to as the Public Workshop) to hear directly from the sponsors of the proposed amendment. In this regard, you are welcome to bring one or more people to provide a presentation of material or handouts that you think would be relevant to the FIEC. We would be happy to provide any equipment related to the presentation. Just let us know if you plan to participate and what your needs are. You are also welcome to submit written materials to us at any time.

You can contact me by phone at (850)487-8272 or by email at baker.amy@leg.state.fl.us.

Sincerely,



Amy J. Baker, Coordinator

Attachment

NOTICE OF WORKSHOPS AND CONFERENCE
FINANCIAL IMPACT ESTIMATING CONFERENCE

The Financial Impact Estimating Conference (FIEC) will be holding workshops and a conference on the petition initiative entitled “***Voter Approval of Constitutional Amendments (19-08)***”. Unless otherwise indicated on the schedule below, all meetings will held in Room 117, Knott Building, 415 W. St. Augustine Street, Tallahassee, Florida. Once begun, they will continue until completion of the agenda.

The FIEC is required by s. 100.371, Florida Statutes, to review, analyze, and estimate the financial impact of amendments to or revisions of the State Constitution proposed by initiative. In this regard, the FIEC is now in the process of preparing a financial impact statement to be placed on the ballot that shows the estimated increase or decrease in any revenues or costs to state and local governments resulting from the proposed initiative. Because the Legislature passed CS/CS/HB 5 during the 2019 Session and it is has now been signed into law (see CHAPTER 2019-64), the FIEC will also be considering the estimated economic impact on the economy and the overall impact to the state budget.

The purpose of the Public Workshop is to provide an opportunity for sponsors, interested parties, proponents and opponents of the initiative to make formal presentations to the FIEC regarding the probable financial and economic impact of the initiative. In addition to the workshop, information may be submitted at any time to the FIEC by contacting the Legislative Office of Economic and Demographic Research (contact information below).

Voter Approval of Constitutional Amendments (19-08)

- Public Workshop – Thursday, November 21st at 8:30 a.m.
- Principals’ Workshop – Friday, December 6th at 1:30 p.m.
- Formal Conference – Friday, December 13th at 1:30 p.m.

For additional information regarding the meetings, please contact the Florida Legislature’s Office of Economic and Demographic Research at

(850) 487-1402.

Address for submitting information to the FIEC:

The Florida Legislature
Office of Economic and Demographic Research
111 West Madison, Suite 574
Tallahassee, FL 32399-6588
Email: edrcoordinator@leg.state.fl.us
FAX: (850) 922-6436

For additional information regarding the Financial Impact Estimating Conference process and the Initiative Petition process, please visit the Florida Legislature's Office of Economic and Demographic Research's website at: <http://edr.state.fl.us/Content/constitutional-amendments/index.cfm> and the Florida Department of State, Division of Elections' website at: <https://dos.elections.myflorida.com/initiatives/>

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November 14, 2019

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ORLANDO
TALLAHASSEE
TAMPA

Amy J. Baker
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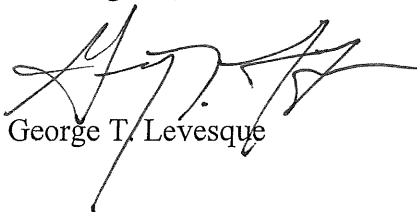
Re: Keep Our Constitution Clean PC

Dear Ms. Baker:

The Gray Robinson law firm has been retained to represent Keep Our Constitution Clean PC (KOCC) in the petition amendment process. On behalf of KOCC, thank you for your work on the Financial Impact Estimating Conference (FIEC). In response to your recent correspondence, KOCC designates me and Jason Zimmerman as their representatives who are authorized to speak on its behalf. Jason Zimmerman can be reached at Jason.Zimmerman@gray-robinson.com or (407) 843-8880 and I can be reached George.Levesque@gray-robinson.com or (850) 577-9090.

Additionally, KOCC would like to make a short presentation at the FIEC's public workshop on November 21, 2019. At this time, I don't anticipate needing any equipment to facilitate our presentation, but if that changes, I will let you know.

Kind regards,



George T. Levesque

cc: Jason Haber

Tab 6

Impact

Constitutional Amendments, 2010 through 2018 Word Counts

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Notes:

Word counts include only the constitutional text and not ballot summaries or any other introductory or reference language.

Shading signifies that the amendment passed.

Constitutional Amendments, 2010 through 2018 Estimated Costs

2018 Election Costs Department of State (DOS)*		
Advertising	\$ 1,036,234	94.5%
Booklets	\$ 58,118	5.3%
Translation	\$ 2,266	0.2%
Total	\$ 1,096,617	

DOS Cost per Word*	
Cost per Word	\$ 92.93
Adjusted	\$ 92.74

Note: The adjusted cost per word excludes translation.

* Memorandum to FIEC from Department of State, Division of Elections, November 21, 2019

Constitutional Amendment Word Counts Ranked High to Low					
Election Year	2010	2012	2014	2016	2018
	698	3,346	1,196	2,524	2,036
	625	2,573	1,046	1,293	1,861
	245	1,758	303	1,004	1,220
	164	888		958	1,155
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	102	763			1,032
		719			468
		572			302
		404			301
		125			293
		121			229
					170

Word Count					
Election Year	2010	2012	2014	2016	2018
Maximum	698	3,346	1,196	2,524	2,036
Minimum	102	121	303	345	170
Average	333	1,098	848	1,225	844
Total	1,997	12,075	2,545	6,124	10,127

Department of State Estimated Costs					
Election Year	2010	2012	2014	2016	2018
Maximum	\$ 64,731	\$ 310,301	\$ 110,915	\$ 234,071	\$ 188,815
Minimum	\$ 9,459	\$ 11,221	\$ 28,100	\$ 31,995	\$ 15,765
Average	\$ 30,866	\$ 101,801	\$ 78,673	\$ 113,586	\$ 78,263
Total	\$ 185,198	\$ 1,119,811	\$ 236,018	\$ 567,928	\$ 939,158

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