



CRC ALERT

- Persuasive and Misleading Ballot Summary Language on Proposal 6005 -

Proposal 13 has been grouped with Proposal 26, Proposal 9, and Proposal 103 by the CRC Style & Drafting Committee to create Proposal 6005, State and Local Government Structure and Operation. Proposal 26 creates an Office of Domestic Security and Counter-terrorism within the state's law enforcement agency. Proposal 9 makes the Department of Veteran's Affairs a constitutionally required state agency. Proposal 103 would automatically move the start of the legislative session in even-numbered years to January.

On Wednesday, April 4, FAC sent a letter to the CRC Style and Drafting Committee regarding the ballot language on Proposal 6005. FAC found the ballot summary for Proposal 6005 to be VERY misleading for voters. Below is a copy of the letter FAC sent to the CRC Style & Drafting Committee.

The CRC Style & Drafting committee met Thursday, April 5. To watch the Style and Drafting Committee meeting, [click here](#).

VOTE NO ON PROPOSAL 6005

Commissioners, I write to share comments of the Florida Association of Counties ("FAC") with respect to the formulation of ballot language for Proposal 6005.

First, here is FAC's own 75-word summary of Proposal 6005:

"Repeals authority of electors of a charter county to provide a method for selecting county constitutional officers; to abolish, merge, or transfer the duties of those offices by charter or special act approved by the electors; or to limit the length of the term of those offices. Prohibits dividing duties of clerk of the circuit court and ex officio clerk of the county by any manner other than general or special law enacted by the Legislature." (75 words)

Next, FAC analyzed the 38-word ballot summary for Proposal 6005 which was

recommended by staff and included in this week's Style & Drafting Committee meeting packet.

The first sentence of the proposed ballot summary states:

"Ensures election of sheriffs, property appraisers, supervisors of elections, tax collectors, and clerks of court in all counties..."

Using the term "ensures" seems persuasive and does not fully convey to the voter what rights the Constitution currently affords with respect to the selection and duties of county constitutional officers. Additionally, the first sentence of the proposed ballot summary is sufficiently captured in the second sentence, which states:

"...removes ability of charter counties to abolish, change the term, transfer the duties, or eliminate the election of the office."

Therefore, the first sentence of the proposed ballot summary is likely not necessary and, if taken out, will free up additional words that can be better used to summarize other proposals within the same group. If the first sentence is removed, without adding any additional revisions to the proposed ballot summary, it would state:

"Removes ability of charter counties to abolish, change the term, transfer the duties, or eliminate the election of the office."

Wording the ballot summary this way may lead a voter to the belief that a charter county possesses independent authority to enact an ordinance or that the charter county may unilaterally amend its charter to alter the offices of county constitutional officers. To the contrary, Article VIII currently gives the ELECTORS of a charter county the constitutional right to alter the form of THEIR county government by voting in a county-wide referendum. It is extremely important not to misrepresent the current rights afforded under Article VIII, which are reserved to the people of a charter county, not to the county government itself. Proposal 6005 will take that right from the electors of a charter county, and the citizens must be informed of that fact.

CONCLUSION

Based on the foregoing comments, one possible approach to ballot language for Proposal 6005 would be to revise the recommended ballot summary to state:

"Eliminates the right of electors of charter counties to abolish, change the term, transfer the duties, or eliminate the election of county officers."

This is a 23-word ballot summary which should adequately inform voters that, by voting yes on Proposal 6005, electors of charter counties will no longer have the constitutional right to abolish, change the term, transfer the duties, or eliminate the election of county constitutional officers by holding a referendum to vote on changes to a county charter.

Additionally, based on the recommended ballot language for other proposals

contained in the Government Structure & Operation group, if this ballot summary were used by the Committee, the combined word count of the ballot summary for all proposals in the Government Structure & Operation group would be exactly 75 words.

After the Style & Drafting Committee agrees on changes and organization of proposals, the Committee recommends a report back to the full Commission. There, the full Commission considers the report of the Style & Drafting Committee and the report must either be approved by 22 out of the 37 members of the full Commission or it is sent back to the Style & Drafting Committee.

For more Information on the CRC process and specific proposals, please visit www.flcrc.gov.

Additionally, do not hesitate to reach out to FAC if you have questions, concerns, or comments on anything related to the CRC.

FAC CONTACT:

For additional information, please feel free to contact Brian Sullivan at bsullivan@flcounties.com.

CONTACT **CRC** COMMITTEE MEMBERS

Please ask the full CRC to vote NO on Proposal 6005 and send it back to the CRC Style & Drafting Committee.

To view a full list of CRC commissioners and their contact information, [click here](#).