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Kurt S. Browning v. Florida Hometown Democracy

>>THE NEXT CASE ON THE COURT
AGENDA IS BROWNING VS HOME
TOWN DEMOCRACY.

--

>> I HAVE A BIG CONCERN ABOUT
THIS SITUATION.
THE IDEA AS YOU SAY THAT
SOMEBODY WHO DIDN'T UNDERSTAND
WHAT THEY WERE SIGNING IT IS
VERY REASONABLE.
IN FLORIDA HOMETOWN DEMOCRACY'S
BRIEF, THEY STATE THE
FOLLOWING, INSTEAD OF

ESTABLISHING A NEUTRAL PROCESS
THAT ALLOWS FOR REVOCATION, AS
TO ALL PENDING LEGISLATURE'S
INITIATIVE.
THEY SET UP A PROCESS WHEREBY A
RIVAL POLITICAL ACTION
COMMITTEE MUST BE ESTABLISHED
TO CIRCULATE A PAID POLITICAL
ADVERTISING REVOCATION.
ORDERS CANNOT DIRECTLY SUBMIT
SIGNED REVOCATION PETITION TO
THE RESPECTIVE SUPERVISOR OF
ELECTIONS.

THEY MUST BE SUBMITTED BY THE
POLITICAL ACTION COMMITTEE IN
ADDITION ONCE A REVOCATION
PETITION HAS BEEN SIGNED THE
VOTER CANNOT SIGN THE SUBJECT
INITIATIVE AGAIN TO RESTORE HIS
OR HER INTENT.

IS THAT CORRECT?

>> IN PART, IT'S CORRECT.

>> LET ME GO BACK TO THE FIRST
PART WHICH IS THAT I SIGNED A
PETITION FIVE DAYS AGO
HYPOTHETICALLY.

I DIDN'T.

I MEAN, AND A WEEK LATER I READ
SOME POLITICAL, YOU KNOW,
SOMETHING ABOUT IT, AND I GO OH
THAT'S NOT ONE I REALLY LIKE SO
I WANT TO REVOKE MY SIGNATURE
BECAUSE I DON'T LIKE THAT.

I DIDN'T -- YOU KNOW, I WASN'T
DEFRAUD I'D JUST DON'T LIKE IT.

CAN I THEN GO TO MY SUPERVISOR OF ELECTION AND GO ON THE WEB SITE AND MYSELF SIGN SOMETHING THAT SAYS I AM REVOKING MY SIGNATURE.

>> YOU CAN UNDER THE 2008 LEGISLATURE.

>> SO IT ISN'T CORRECT. SO IT ISN'T CORRECT THAT THE ONLY WAY I CAN REVOKE MY SIGNATURE IS IF I AM A POLITICAL ACTION COMMITTEE ESTABLISHED TO, OR IS THAT CORRECT?

>> LET ME EXPLAIN. UNDER THE 2000 LAW, THE LEGISLATURE SET UP A PROCESS BY WHICH A COMPETING ORGANIZATION CAN BE ESTABLISHED THROUGH WHICH A REVOCATION FORM WOULD BE APPROVED BY THE DEPARTMENT. THE DEPARTMENT CREATED THAT FORM AND THAT WAS THE ONLY WAY A PERSON COULD REVOKE THEIR SIGNATURE.

>> OKAY NOW ARE WE LOOKING AT THAT 2000 LAW?

>> 2007, RIGHT.

>> YOU SAID UNDER THE --

>> INITIAL, RIGHT, UNDER THE FIRST --

>> BECAUSE TO ME, SEE, THAT'S WHERE YOU GET INTO THE FACT THAT THAT COMPETING PAC ISN'T BEING SET UP TO MAKE SURE THERE WAS NO VOTER FRAUD. THAT COMPETING PAC IS SAYING YOU KNOW THIS MAY BE GOOD FOR ONE SEGMENT OF SOCIETY BUT LIKE AGAIN AND WE'RE SEEMS LIKE IT KEEPS ON COMING UP FLORIDA HOMETOWN DEMOCRACY IS WE DON'T LIKE THIS AND INSTEAD OF DEFEATING IT AT THE, YOU KNOW, WHEN IT COMES ON THE BALLOT WE'RE GOING TO SET UP A WHOLE NEW PROCESS TO HAVE A COMPETING POLITICAL ACTION COMMITTEE TO TARGET SOMETHING AND GET IT OFF THE, YOU KNOW, SO IT DOESN'T EVEN GO ON THE BALLOT SO THAT'S MY CONCERN, THAT IT'S NOT JUST SIMPLY A RIGHT OF REVOCATION BUT IT'S SETTING UP THIS OTHER

POLITICAL PROCESS THAT'S NOT ENVISIONED BY THE CONSTITUTION.

>> WELL, A COUPLE RESPONSES TO THAT.

I BELIEVE THE LEGISLATURE'S CONCERN INITIALLY WAS THEY COULD'VE DONE IT A NUMBER OF WAYS.

ONE WAY IS JUST GIVE THEM THE RIGHT.

IT COULD'VE BEEN UNLIMITED FOR THE FOUR-YEAR PERIOD GIVEN THE FACT THAT FLORIDA HAS A LONGER SHELF LIFE YOU COULD REVOKE IT ANYTIME DURING THE FOUR-YEAR PERIOD.

THE LEGISLATURE WAS CONCERNED ABOUT HAVE AN BALANCE THERE THAT THE ORGANIZATION THAT WOULD BE SUPPORTING REVOCATION WOULD HAVE TO REGISTER AND WOULD HAVE TO BE SUBJECT TO SOME REGULATION AND THERE WOULD BE SOME EQUALITY BETWEEN THE TWO ORGANIZATIONS.

>> SO IS THAT PART OF THE SCHEME?

IN ANSWER TO HER QUESTION?

>> THAT'S THAT'S THE INITIAL 2007 LEGISLATION, 2008 PATCHED WHAT SOME MIGHT CALL THE HOLE AND YOU CAN REVOKE.

>> SO THERE ARE TWO WAYS NOW?

>> RIGHT.

>> SO WHY IS IT AGAIN IF WE'RE LOOKING AT THIS AGAIN AND I DIDN'T REALLY THE FIRST DISTRICT DIDN'T REALLY MAKE THIS DISTINCTION DO YOU SEE A DISTINCTION BECAUSE I DO BETWEEN AN INDIVIDUAL'S RIGHT TO DECIDE YOU KNOW UNSOLICITED THAT THEY WANT TO REVOKE BUT I DON'T --, AND THE IDEA THAT WHEN YOU START TO HAVE A WHOLE OTHER PROCESS OF REVOCATION, THROUGH A POLITICAL ACTION COMMITTEE, WHETHER IT'S WELL INTENDED OR NOT, JUST LIKE FINANCIAL IMPACT STATEMENTS WERE, INTENDED THAT IT DOESN'T MEET THE TEST; THAT IT HAS TO BE NECESSARY TO INTEND BALLOT INTEGRITY AND REASONABLE

REGULATION.

SO CAN WE SLICE THIS THICK UP
ONE PART THAT ALLOWS INDIVIDUAL
REVOCATION, WITH A
STATEMENT I DIDN'T UNDERSTAND
WHAT I WAS SIGNING SOMETHING
OTHER THAN, YOU KNOW, THE FACT
THAT SOMEONE ELSE APPROACHED
THEM AND THEN THE NEXT DAY
SOMEONE ELSE APPROACHES THEM
NOW THEY CAN'T SIGN BACK AGAIN
SEEMS LIKE WE COULD HAVE A
VERY, YOU KNOW, THAT ACTUALLY
THEY WOULD BE THE OPPOSITE OF
INTEGRITY IF WE KNOW
ONE PERSON CALLS ONE DAY THE
NEXT PERSON CALLS THE NEXT DAY.
THE POOR CITIZEN IS TRYING TO
FIGURE OUT WHICH WAY IS UP.

>> I THINK IT GOES TO THE
LEGISLATURE'S POWER TO REGULATE
IN THIS AREA WHICH IS ONE OF
THE REASONS THE FIRST DISTRICT
GOT IT WRONG.

REASONABLE REGULATIONS ARE
NECESSARY TO ENSURE THE
VALIDITY OF THE ELECTION
PROCESS.

THIS IS ONE WAY THE LEGISLATURE
COULD FEEL ABOUT DYING GO
ABOUT DOING IT.

>> THE INTEGRITY OF THE
PROCESS.

>> THERE'S A NUMBER OF WAYS THE
SIGNATURES COULD BE INVALID.

>> IF IT'S OBTAINED BY FRAUD OR
IT'S NOT THEIR SIGNATURE THE
WHOLE IDEA OF THE VERIFICATION
PROCESS IS TO ADDRESS THAT.
THIS IS BROAD BECAUSE I SAY I
CAN JUST REVOKE IF I DECIDE I
CHANGE MY MIND BECAUSE SOMEBODY
OR SOME GROUP HAS NOW SENT A
LETTER TO ME THAT TELLS ME I
SHOULD REVOKE IT.

ISN'T THAT -- IT'S FAR GREATER
THAN FRAUD.

>> IT FOCUSED ON THE ELECTOR.
IT EMPOWERS ELECTORS TO CHANGE
THEIR MIND BECAUSE THEY MAYBE
HAD BEEN DEFRAUDED MAYBE THEY
HAD BEEN MORE INFORMED.

>> IT IS NOT CORRECT THEY CAN
NOT CHANGE THEIR MIND TO WHERE

THEY WERE.

>> THAT'S CORRECT BECAUSE THERE IS A FLORIDA STATUTE THAT SAYS YOU MAY ONLY SIGN ONE PETITION AND THE REASON IS THEY HAVE TO DRAW THE LINE SOMEWHERE.

THEY SIGNED THE PETITION BUT THEN THEY CHANGE THEIR MIND IN OTHER STATES LET'S KEEP IN MIND LET'S HAVE PERSPECTIVE OUT THERE THAT HAVE LOOKED AT THIS ISSUE SAY IT'S AN IMPLIED INCIDENTAL RIGHT TO SIGN A PETITION TO WITHDRAW IT. ALMOST, I WON'T SAY UNIVERSAL RULE.

>> WELL BUT DO THOSE SAY THEN YOU CAN'T RESIGN IT TO CHANGE YOUR MIND?

>> THAT'S, THE COURTS ARE DIFFERENT ON THAT.

AND SOME COURTS, THE FOLK HAS NOT BEEN WHETHER ON REVOCATION RIGHTS THE COURTS SAY THERE IS. THEY SAY THAT WHAT POINT IN TIME CAN YOU WITHDRAW? AFTER THE SIGNATURE HAS BEEN VERIFIED AFTER SECRETARY OF STATE PUT IT ON THE BALLOT.

THAT'S WHAT THE LEGISLATURE HOLDS HERE.

THE FIRST DISTRICT GOT IT WRONG.

THIS COURT HAS SAID REASONABLE REGULATIONS ON THE PROCESS ARE PERMISSIBLE.

>> I KNOW THAT 2007 STATUTE SOMEBODY WANTS TO REVOKE THE PETITION THEY SIGN.

HOW CAN THEY DO IT?

I AM JUST THINKING ABOUT-- THERE ARE 400,000 VOTES NOW.

IF THE ACTION COMMITTEE TARGETS THE 400,000 VOTES NOW WE HAVE AT LEAST IN THE RECORD TWO THAT ARE SAYING I HAVE THE MISLEADING ADVERTISEMENTS AND NOW START TO HAVE LITIGATION OVER WHETHER THAT VOTER WAS DEFRAUDED INTO REVOKING THE SIGNATURE AND MY CONCERN ABOUT IT IS THAT THE WAY THIS SEEMS TO BE SET UP, IT

SEEMS TO, TO BE A BURDEN ON THE ABILITY TO GET THINGS ON THE BALLOTS AND LET THE VOTERS DECIDE WHETHER IT IS A GOOD THING OR NOT A GOOD THING AND CERTAINLY ANYTHING THAT HAS TO DO WITH MY VOTE OBTAINED BY FRAUD OR IS MISLEADING, I MEAN TO ME THERE SHOULD BE THAT RIGHT TO REVOKE UNDER THOSE CIRCUMSTANCES.

BUT, I DON'T SEE THIS, THIS GOES SO FAR, SO MUCH LATER THAN THAT AND THAT IS WHAT CONCERNS ME AS FAR AS THE CASE LAW.

>> IN FACT IF WE LOOK AT IT FROM THE OTHER SIDE, THE LEGISLATURE FOR EXAMPLE NEEDS THE SIGNATURE-- REVOCABLE UNDER ANY CIRCUMSTANCE.

FURTHER, HERE THE GOVERNMENT--

>> WHY?

I DON'T UNDERSTAND WHY.

IF SOMEBODY SIGNS SOMETHING JUST TO GET ON THE BALLOT IT DOESN'T REQUIRE THEM TO VOTE FOR IT.

>> OF COURSE NOT BUT THE REASON WE HAVE THE 8% IN THE CONSTITUTION IS THAT THERE HAS TO BE SIGNATURES BY THE ELECTORS.

IT IS ALMOST LIKE A CONSUMER SURVEY.

YOU ARE SIGNING SOMETHING.

I THINK THIS IS AN IMPORTANT ARGUMENT ON THE BALLOT BUT IF THE UNDERLYING INFORMATION IS INACCURATE, A PERSON CHANGES

THEIR MIND.

THAT IS THE RULE UNDER STATES.

THEY CHANGE THEIR MINDS.

IT IS NOT LIKE GOING TO A VOTING BOOTH AND VOTING IN SECRET.

PEOPLE MAY CHANGE THEIR MINDS SO THE LEGISLATURE--

>> DURING THAT FOUR YEARS THEY COULD RECHANGE THEIR MIND.

THAT IS ONE OF THE

CONSIDERATIONS THAT, SAY THIS PACT, THIS OTHER GROUP THAT IS OPPOSED TO THE INITIATIVE GETS TO THE CITIZEN AND SAYS LOOK, THIS IS SOMETHING THAT YOU

REALLY DON'T WANT TO BE INVOLVED IN AND THEY REVOKE THEIR SIGNATURE, BUT SIX MONTHS LATER AND YOU STILL DON'T HAVE ENOUGH SIGNATURES AND THEY DECIDE, YEAH THIS IS SOMETHING THAT I REALLY WOULD BE INTERESTED IN HAVING ON THE BALLOT.

THEY DON'T HAVE THAT RIGHT ANYMORE.

>> THE QUESTION IS WHETHER THE LEGISLATOR IS BEING UNREASONABLE AND AFTER TWO ROUNDS--

>> YOU ALSO OUGHT TO LOOK AT WHETHER YOU ARE TALKING ABOUT JUDGEMENT BEING UNREASONABLE. THE STANDARD IS WHETHER IT IS NECESSARY OR REASONABLE TO PROTECT BALLOT INTEGRITY AND SO THE BALLOT INTEGRITY TO ME WOULD BE COMPROMISED IF THERE IS IN FACT SOMEONE WHO COMES FORWARD AND SAYS LOOK, THAT IS NOT MY SIGNATURE OR I WAS COERCED AND DEFRAUDED INTO SIGNING THIS. NOW THAT WOULD BE SOMETHING. THOSE WOULD BE THINGS THAT, TO ME, WHAT AFFECT THE INTEGRITY OF THE BALLOT.

BUT NOT-- YOU KNOW AND I JUST SAT HERE AND CHANGED MY MIND.

>> JUSTICE, THAT IS THE UNDERPINNINGS OF THIS LEGISLATION.

COULD THEY HAVE LIMITED IT TO PEOPLE WHO CAME IN AND SAID I WAS DEFRAUDED?

THEY COULD HAVE DONE THAT, BUT WHAT THEY DID WAS EMPOWER THE VOTERS GENERALLY TO REVOKE--

>> BUT WHAT I AM CONCERNED ABOUT IN THE BRIEF AND APPARENTLY IN THE RECORD, ONE OF THE VOTERS SAID, SOMEONE WHO SIGNED THE PETITION IN DIRECT MAIL FROM THE HONORABLE JOHN THRASHER, SPEAKER OF THE FLORIDA HOUSE OF REPRESENTATIVES, WHO SAID-- TURNS OVER ALL POWER TO USE OF FLORIDA LANDS TO CERTAIN ELECTORS.

GUESS WHO THE ELECTORS WILL BE? SPECIAL INTEREST WILL PUT THE FUTURE IN THE HANDS OF THEIR

CRONIES.

AND THE LAST PAGE OF THE
THREE-PAGE LETTER IT ADDS--

[INAUDIBLE]

THIS IS NOW, NOW YOU HAVE A
SITUATION WHERE, NOW YOU HAVE A
QUESTION OF INTEGRITY OF THE
REVOCAION PROCESS BECAUSE IT
CLEARLY-- THE PART THAT ALLOWS
IT TO GO THROUGH PACTS-- ONLY
ALLOWS IT TO GO THROUGH PACTS--
HAS THE POTENTIAL THAT OBVIOUSLY
THOSE PEOPLE HAVE A POLITICAL
MOTIVE AGAINST THE PETITION.

THEY ARE NOT DOING IT TO PROTECT
THE VOTER INTEGRITY.

THEY HAVE A COMPETING POLITICAL
AGENDA.

>> IT IS A POLITICAL PROCESS.

CHIEF JUSTICE SAYS IF YOU HAVE
TWO OR MORE PEOPLE TOGETHER YOU
HAVE POLITICS.

IT IS THE PROCESS, BUT THE FOCUS
HAS TO BE ON WHETHER THE
ELECTOR-- THAT IS THE
FUNDAMENTAL RIGHT--

>> WHAT I AM STILL LOOKING AT IS
THE CONSTITUTION.

JUST LIKE A FINANCIAL IMPACT
STATION COULD SET FORTH A POWER
OF REPLICATION, AND WE COULD ALL
SAY THAT IS WHAT WE WANT BECAUSE
WE ARE ALL SICK OF THESE
CITIZENS' INITIATIVES.

BUT I DON'T SEE HOW, UNDER THIS
RECORD, THERE IS THE MAIN MOTIVE
IS JUST TO PREVENT OR TO ENSURE
BALLOT INTEGRITY AND I GUESS
THAT THIS-- NOT BECAUSE, YES YOU
ARE ADMITTING IT IS POLITICAL.

>> I AM SAYING THE PROCESS IS
POLITICAL.

IT IS INHERENTLY A POLITICAL
PROCESS.

WHAT I'M SAYING HERE IS THE
RIGHT TO REVOKE THAT THE
LEGISLATURE ESTABLISHED HERE IS
NECESSARY BECAUSE THEY FOUND
FRAUD.

YOU HAD A CASE BEFORE YOU LAST
YEAR IN WHICH THERE WERE
ALLEGATIONS OF MASSIVE FRAUD.

>> DO I NOT UNDERSTAND, IF THERE
IS FRAUD IN MANY SIGNATURES,

THAT IS EXACTLY WHY MR. BROWNING AND THE SECRETARY OF STATE HAVE THE ABILITY TO NOT CERTIFY THE SIGNATURE FOR THE BALLOT?

I MEAN, ISN'T THAT THE REMEDY?

>> IT HAS TO BE PROVEN.

THIS COURT IN YOUR OPINION, IT IS A GAMBLING CASE.

>> OF COURSE.

YOU CAN'T JUST ALLEGE FRAUD.

THE PERSON HAS TO SAY, I WAS DEFRAUDED AND I MEAN THAT IS HOW IT SEEMS TO ME.

THAT THAT IS WHY THIS IS FAR BROADER THAN THE PROBLEM THAT YOU HAVE SAID IT IS, SO WIDESPREAD.

>> THE LEGISLATURE WAS SET UP THAT WAY.

IF I COULD BRIEFLY SAY THREE POINTS ABOUT THE FIRST DISTRICT, THE REVOCATION ON THE CONSTITUTION DOES NOT MATTER BECAUSE IT DOES NOT HAVE TO BE THERE.

THERE ARE SIGNATURE VERIFICATIONS THAT ARE NOT NECESSARY.

THE COURT DID NOT ADDRESS THE LANGUAGE.

WHERE IS THE BURDEN ON THE PEOPLE, BECAUSE IF I SIGN ONE, AND I THINK I UNDERSTAND WHAT IT IS AND I SIGN IT, AND THEN THE GUY GETS SOME KIND OF SLICK ADVERTISING I SAY WOW, I WILL SIGN THIS ONE AND LATER I FIND OUT THAT IT IS ADVERTISING.

YOU HAVE CAUSED ME TO FORFEIT MY CONSTITUTIONAL RIGHT TO SUBMIT A SIGNED-FOR INITIATIVE.

>> AT LEAST YOU HAD TWO CHANCES. CURRENTLY, BEFORE THIS LEGISLATION YOU HAD NO CHANCE TO REBUT.

EVEN IF SOMEONE FORGED IT, THEY WOULD SAY--

>> I AM MISSING SOMETHING.

I DON'T DISAGREE THAT THE REVOCATION PROBABLY HAS-- YOU CAN DO THOSE THINGS BUT WHEN YOU START COUPLING IT WITH THE OTHER THINGS LIKE IT NEVER-- REALLY WHAT YOU ARE SAYING IS I HAVE

TWO AND YOU CAN'T DO WHAT YOU WANTED TO DO BECAUSE I HAVE THIS PIECE OF PAPER AND IT COULD BE THE REVERSE.

>> WHERE IN THE CONSTITUTION DOES IT SAY IT IS IRREVOCABLE? IT DOESN'T.

>> IN THE CONSTITUTION I, AND ALL FLORIDA CITIZENS, HAVE THE RIGHT TO SIGN A PETITION OR AN INITIATIVE.

DOESN'T IT?

>> EXACTLY.

>> THIS SAYS I DON'T IF I HAVE SIGNED ON A SECOND ONE. I CAN ALWAYS TAKE MY FIRST ONE BACK BUT I CAN'T TAKE THE SECOND ONE BACK.

[INAUDIBLE]

ONE MORE FINAL POINT, BECAUSE I AM WELL INTO MY REBUTTAL, THE BURDEN ISSUE IS IMPORTANT BECAUSE THE SUMMARY FASHION SAID THERE IS A BURDEN, BUT THERE IS NO BURDEN ON THE ELECTOR.

CLEARLY THEY HAVE TO PRESENT REVOCATION.

25 PLUS PERCENT ARE INVALIDATED UNDER THE SIGNATURE VERIFICATION PROCESS.

THAT IS PRETTY BURDENSOME, SO MY POINT IS REVOCATION PERFORMS VERY MINIMAL PERCENTAGE OF THE VOTES THAT ARE REVOKED.

>> MR. MAKAR, YOU ARE WELL INTO YOUR REBUTTAL IF YOU WOULD LIKE TO SAVE ANY TIME.

MR. BURNAMAN.

>> GOOD MORNING MAAM.

I AM HERE ON BEHALF OF LESLIE BLACKNER AND FLORIDA DEMOCRACY INCORPORATED.

>> MY FIRST QUESTION ON THIS IS, HYPOTHETICALLY, MY SIGNATURE IS FORGED.

IF WE HELD, OR HOLD THE FIRST DISTRICT, IS THERE CURRENTLY NO REMEDY BY THE SECRETARY OF STATE OFFICE TO MOVE A FORGED SIGNATURE?

>> IT IS A CRIME TO FORGE A SIGNATURE IN BOTH THE FLORIDA STATUTE AND IN THE DEPARTMENT OF STATES' RULES AND THE SECRETARY

OF STATE'S OFFICE IS CHARGED WITH ENFORCING THE LAW TO PREVENT THAT FRAUD, SO IF THE SIGNATURE WAS FRAUDULENTLY MADE ON A PETITION IN ITS EXISTING CRIMINAL REMEDY AND SOMEONE FINDS OUT--

>> CAN THE SECRETARY OF STATE UNDER THE VALIDATION PROCEDURE HAVE THIS CURRENT REMEDY, NOT COUNTING A FRAUDULENT SIGNATURE?

>> THEY COMPARE THE SIGNATURE ON THE PETITION FORM, JUSTICE PARIENTE, WITH THE SIGNATURE ON THE VOTER REGISTRATION, AND THAT IS DONE.

THAT IS THE PRIMARY MEANS THAT THE SUPERVISOR OF ELECTIONS USES.

>> IF IT DOES NOT MATCH THEY STRIKE IT?

>> THAT IS CORRECT.

>> THE LAST THING THAT HE SAID. ACTUALLY 25% OF THE VOTES WERE OBTAINED, ACTUALLY WERE NOT CAPABLE OF BEING VALIDATED? IS THAT RIGHT?

>> THE SIGNATURES SUBMITTED FOR VERIFICATION, HOW MANY WERE REJECTED?

I DON'T BELIEVE THAT IS IN THE RECORD.

>> APPARENTLY THERE IS A PROCESS FOR VALIDATING SIGNATURES THAT ARE OBTAINED.

>> WE PAY 10 CENTS APIECE WHETHER THEY ARE VALIDATED OR NOT, JUST TO HAVE THEM CHECKED.

>> SAY SOMEBODY-- SAY A PETITION IS SUBMITTED THAT BEARS WHAT APPEARS TO BE MY SIGNATURE AND THE SIGNATORY LOOKS AT IT AND SAYS THAT IS A MATCH AND IT GETS VALIDATED.

AND I FIND OUT THAT THIS HAS HAPPENED AND I DID NOT SIGN IT.

IT IS A GOOD FORGERY AND IT COULD PASS THEIR TEST.

UNDER THOSE CIRCUMSTANCES, CAN I GO IN AND SAY I DID NOT SIGN THAT?

THAT IS A FORGERY.

WHAT HAPPENS IN THAT CIRCUMSTANCE?

>> UNDER THOSE CIRCUMSTANCES YOU WOULD SWEAR OUT AN AFFIDAVIT AND HAVE THE MATTER INVESTIGATED CRIMINALLY.

>> WOULD THAT SIGNATURE BE COUNTED TOWARD THE TOTAL THAT IS NEEDED?

WHAT WOULD HAPPEN IN REGARD TO THE COUNT, GETTING IT ON THE BALLOT, GETTING THE INITIATIVE ON THE BALLOT?

>> ONCE THE SIGNATURE IS VERIFIED, AND IT IS NOT DONE BY THE SECRETARY OF STATE INCIDENTALLY, IT IS DONE BY THE RESPECTIVE SUPERVISOR OF ELECTIONS.

AND I AM NOT AWARE OF ANY INSTANCE WHERE THAT HAS OCCURRED.

LET ME JUST BE CLEAR ABOUT THAT. THERE IS NO ALLEGATION OF FRAUD. THERE IS NO EVIDENCE OF FRAUD AT ALL.

>> THIS IS A HYPOTHETICAL.

>> UNDER THAT HYPOTHETICAL, ONCE IT IS VERIFIED, I FIND OUT THAT IT HAS BEEN VERIFIED BUT I KNOW THAT IS NOT MY SIGNATURE AND I GO AND SAY THAT IS NOT MY SIGNATURE, IS IT STILL GOING TO BE COUNTED AS A GOOD SIGNATURE?

>> THE SUPERVISOR OF ELECTIONS PRESUMABLY HAS SOME SORT OF INHERENT POWER TO UNVERIFY THE SIGNATURE.

I DON'T KNOW THAT THAT HAS EVER COME UP.

SIMILARLY, LET'S LOOK AT THE REVOCATION.

>> LET ME GO OVER IT, YOU SEE BECAUSE WE ARE KIND OF BEING, AT LEAST I AM, PUBLIC POLICY APPEAL OF THE SITUATION IS SOMETHING WE WOULDN'T WANT IN THE COURT. WE WOULD THINK THAT WOULD GO THE BALLOT INTEGRITY.

SOMEBODY SAYING EVEN THAT WAS NOT MY SIGNATURE OR THEY GAVE ME A WHOLE DIFFERENT PETITION.

A CLEAR CASE OF FRAUD, SO IF YOU WOULD AGREE THAT WHATEVER WAS ENACTED WOULD NEARLY, AT LEAST I THINK IT WOULD, WOULD NARROWLY

TAILOR TO MAKE SURE THAT THAT SITUATION WAS ADDRESSED. AM I ON A DIFFERENT ARGUMENT OR NOT?

>> I THINK YOU ARE BEING LED DOWN THE PREMISE THAT, JUSTICE PARIENTE, WITH THIS WHOLE DISCUSSION OF FRAUD BECAUSE-- JUST THINK ABOUT IT.

I MEAN, THE POTENTIAL FOR FORGERY IN AN INITIATIVE DECISION IS EQUAL TO THAT ON THE REVOCATION PETITION, SO RATHER THAN PREVENTING FRAUD AND INSURING INTEGRITY OF THE CITIZEN INITIATIVE AND BALLOT VERIFICATION PROCESS, YOU ARE SIMPLY COMPOUNDING THE PROBLEM BY HAVING THE SUPERVISORS HAVE TO CHECK THE REVOCATION FORMS AND SEE WHETHER OR NOT THEY ARE FRAUDULENT.

>> OKAY, LET'S THEN GO AWAY FROM THAT.

LET'S ASSUME THAT THERE IS SOMETHING THAT SOME FOLKS WANT TO GET ON THE BALLOT AND THEY DECIDE, YOU KNOW, IF WE USE FOLKS DRESSED AS CLERGY OUTSIDE OR WHATEVER AND WE GET THESE COMING OUT, THAT IT IS MISLEADING, WHATEVER IT IS THAT THEY DO.

THEY SIGN THESE THINGS AND LATER ON THE PEOPLE FIND OUT WHAT THIS IS REALLY ABOUT.

ARE WE TOGETHER?

A FRAUDULENT SIGNATURE, BUT THERE IS SOME DECEPTION INVOLVED WITH THAT.

>> YES SIR.

>> WOULD THEN SOME KIND OF LEGISLATION THAT ADDRESSES AND SAYS WELL, IF THIS OCCURS AND A PERSON ASSIGNS AND SAYS THIS OCCURS TO ME, THIS IS NOT WHAT THEY TOLD ME THIS WAS ABOUT BECAUSE THERE ARE DISCUSSIONS THAT GO ON THAT THE LEGISLATURE WOULD THEN BE PROHIBITED FROM PASSING LEGISLATION THAT WOULD PERMIT THE CITIZENS, SAY I DID NOT SIGN ON TO THE ONE, I THOUGHT I WAS SIGNING SOMETHING.

IT IS LIKE SIGNING A CHECK.
THERE IS SOME AUTOGRAPH.
I THOUGHT I WAS SIGNING
SOMETHING ELSE.

NOW THAT SEEMS TO ME, WOULD THAT
NOT BE ALLOWED BECAUSE WE ALWAYS
TALK THAT WE WANT TO MAKE SURE
THAT THE CITIZENS KNOW WHAT THEY
ARE VOTING ON.

>> WELL, THAT IS A HORSE OF A
DIFFERENT COLOR.

WHAT THEY ARE VOTING ON OF
COURSE IS THAT BALLOT TITLE AND
CERTAINLY-- BUT WHEN AN ELECTOR
SIGNS AN INITIATIVE IN THE CASE
OF A REVOCATION PETITION, THEY
HAVE AN OBLIGATION TO READ THE
DOCUMENT BECAUSE OBVIOUSLY IT IS
A CRIME IF HE SIGNED THE SAME
ONE OR THE SAME PETITION MORE
THAN ONCE.

SO YES, PEOPLE DO PRESENT AND
SAY HERE, TRY THIS TO SAVE THE
WORLD OR WHATEVER IT MIGHT BE.
WELL SURE THEY ARE GOING TO BE
TOLD THAT, BUT THE VOTER IS
CHARGED WITH READING THE
CONTENTS.

>> OKAY, SO YOUR ANSWER IS THE
LEGISLATURE COULD NOT DO THAT.
YOU ARE SAYING THEY COULD NOT
PASS LEGISLATION THAT WOULD
ALLOW THE REVOCATION TO OCCUR AT
ALL?

>> NOT IN MY JUDGMENT BECAUSE IT
HAS NOTHING TO DO ABOUT
INTEGRITY.
MOREOVER--

>> AREN'T WE TALKING HERE ABOUT
A POLITICAL RIGHT OF THE PEOPLE
TO GET SOMETHING ON THE BALLOT?
THAT IS WHAT IS UNDERLYING ALL
OF THIS.

THE PEOPLE OF FLORIDA HAVE
RESERVED IN THEIR CONSTITUTION
THE RIGHT FOR THEMSELVES TO GET
ISSUES ON THE BALLOT AND TO
CHANGE THEIR CONSTITUTIONS.

>> ABSOLUTELY, AND ARTICLE I,
SECTION 1 IS THE MOST BASIC
RIGHT.

ARTICLE XI, SECTION 3 SETS FORTH
IN PLAIN MEANING HOW THAT
PROCESS IS DONE.

YOU OBTAIN THE SIGNATURE.

>> IF I COULD FINISH.

IT IS THEIR CONSTITUTION.

SO THAT IS WHAT WE ARE DEALING WITH HERE.

WHAT IS WRONG WITH THE LEGISLATURE RECOGNIZING THAT PEOPLE MIGHT CHANGE THEIR MINDS ABOUT WHETHER THEY WANT SOMETHING ON THE BALLOT AND TO PROVIDE A MECHANISM FOR THEM TO WITHDRAW THEIR SIGNATURE ON A PETITION ON THE BALLOT?

IN A WAY, IT IS JUST INDICATING THAT POLITICAL RIGHT THAT THE PEOPLE HAVE UNDER OUR CONSTITUTION.

NOW, YOU CAN QUIBBLE ABOUT THE WAY THE LEGISLATURE HAS DONE IT, HAVE THEY GONE TOO FAR OR NOT FAR ENOUGH, BUT THE BASIC NOTION IS SOMEONE OUGHT TO BE ABLE, WHILE THIS ONGOING PROCESS-- IT IS NOT LIKE AN ELECTION.

IT IS AN ONGOING PROCESS OF GATHERING SIGNATURES THAT GOES ON FOR AN EXTENDED PERIOD OF TIME, THAT A PERSON'S CHOICE WOULD NECESSARILY BE IRREVOCABLE AND THE LEGISLATURE COULD NOT RECOGNIZE THAT PEOPLE MIGHT WANT TO CHANGE THEIR MINDS.

IT JUST SEEMS TO ME TO ACTUALLY UNDERMINE THE CONSTITUTION'S RECOGNITION THAT THIS IS THE PEOPLE'S RIGHT AND IF THE LEGISLATURE WANTS TO RECOGNIZE THAT, THEY CAN CHANGE THEIR MIND ABOUT IT.

WHY SHOULDN'T THEY BE ABLE TO DO IT?

>> JUSTICE KENNEDY, WITH ALL DUE RESPECT, IF THE LEGISLATURE WANTS TO ENACT SOMETHING THEY CAN ENACT A JOINT RESOLUTION TO PLACE THE MATTER ON THE BALLOT TO AMEND ARTICLE XI, SECTION 3 TO PROVIDE FOR RIGHT OF REVOCATION.

THE PLAIN MEANING OF THAT CONSTITUTIONAL PROVISION TALKS ABOUT THE SIGNATURES AND IT DOESN'T MENTION ANYTHING ABOUT REVOCATION SO IT MAY BE INVOKED

BY FILING THE CUSTODIAL STATE RECORD, A PETITION CONTAINING THE COPY OF THE PROPOSED REVISION AMENDMENT SIGNED BY A NUMBER OF ELECTORS.

IT DOES NOT SAY SIGNED BY A NUMBER OF ELECTORS LESS THAN THE NUMBER OF ELECTORS WHO HAVE REVOKED IT.

>> I THINK-- LET'S GO OVER-- THINK WE HAVE SO MANY CONCEDED CONSIDERATIONS.

I THINK IN TERMS OF THIS, I SEE THE PROBLEM OF THE PERSON THAT IS CHANGING THEIR MIND, AND THEN THEY CAN CHANGE THEIR MIND AGAIN IS A LOT BROADER THAN MAYBE NECESSARY.

ON THE OTHER HAND, THE HISTORY OF THE SENATE BILL, THEY SAY, DURING THE 2004 ELECTION PROCESS CONCERNING FRAUD IN THE PETITION PROCESS.

NOW YOU SEEM TO BE SAYING THIS WAS ALL SMOKE AND MIRRORS ABOUT WHETHER FRAUD ACTUALLY EXISTED, BUT WHAT I WOULD AGAIN LIKE TO UNDERSTAND IS SOMETHING NOW BEING TAILORED TO DEAL WITH THE SITUATION THAT MAY NOT BE ANY VALIDATION PROCESS, WHERE SOMEBODY WAS-- SOMETHING FRAUDULENT OR SOMETHING WAS MISREPRESENTED-- AND I MIGHT SAY THAT IT SHOULD ALSO BE AN A REVOCATION.

IT-- IT SEEMS TO ME THAT WAS A FRAUDULENT, OBTAINED REVOCATION SIGNATURE, SO WHAT WOULD YOU SAY ABOUT SOMETHING, AS THINGS HEAT UP, YOU HAVE PROFESSIONAL PEOPLE THAT ARE PAINTING THESE POSITIONS AND I DON'T KNOW WHAT KIND OF-- WHAT THEY ARE SAYING IN ORDER TO OBTAIN THEM BUT WHY COULDN'T SOMETHING NARROWLY BE TAILORED THAT DOES DEAL WITH A REAL PROBLEM THAT THE LEGISLATURE SEES, AND MISUSED IN THE PETITION PROCESS?

THAT THIS MAY BE TOO BROAD BUT YOU SEEM TO SAY NO, NOTHING COULD BE ENACTED AND THAT IS WHERE I'M HAVING A LITTLE

TROUBLE.

NOTHING CAN BE ENACTED, BEING WAY BEYOND WHAT SEEMS NECESSARY FOR MAIL BALLOT INTEGRITY.

>> LET ME CORRECT MYSELF ON A COUPLE OF POINTS.

FIRST OF ALL, THERE IS THE FLORIDIANS FOR A LEVEL PLAYING FIELD VERSUS GUARDIANS WITH EXPANDED GAMBLING AND THERE WERE ALLEGATIONS THAT, YOU KNOW, PEOPLE'S NAMES ON A PETITION SO THE CIRCUIT COURT SUIT FILED-- THE CIRCUIT COURT SAID THE ELECTION APPEARED TO BE-- THE DISTRICT COURT REVERSED THAT BUT CAME UP HERE AND THIS COURT DISCHARGED JURISDICTION SO NOW IS BACK IN THE CIRCUIT COURT. THERE IS NOTHING IN THAT RECORD WITH RESPECT TO WHETHER FRAUD WAS EVER PROVEN.

THERE WERE JUST MERE ALLEGATIONS AND SO APPARENTLY--

>> THAT IS SOMETHING THAT IS ONGOING, RIGHT?

>> YES YOUR HONOR.

THAT IS A CIRCUIT COURT ONGOING TO THE BEST OF MY KNOWLEDGE, SO APPARENTLY THERE IS SOME REMEDY, EVEN AFTER MEASURES VOTED ON, TO DEAL WITH FRAUD, MOREOVER TO PROVIDE ADDITIONAL RESOURCES TO THE SECRETARY OF STATE'S OFFICE WITH RESPECT TO INVESTIGATION OF FRAUDULENT SIGNATURES.

>> I MEAN, SO YOU WOULD AGREE THEY CAN ACTUALLY TASK SOMETHING THAT WAS SHOWN TO BE NECESSARY TO ENSURE VALID INTEGRITY THAT WOULD PUT MORE-- ON THE VALIDATION PROCESS?

IN OTHER WORDS SOMETHING THAT WOULD ACTUALLY PERHAPS BE A MAILOUT, TO SAY SIGN THIS, YOU KNOW--

>> PUT YOUR FINGERPRINTS ON THE PETITION OR THEY COULD TAKE YOUR PICTURE.

THERE IS ALL KINDS OF STUFF, AND THAT IS RECOGNIZED BY THIS COURT IN CLASS SIZE AND IN THE PROPOSITION FOR TAX RELIEF.

THERE IS NO QUESTION THE

LEGISLATURE CAN ESTABLISH
REASONABLE REGULATIONS.
THIS LEGISLATIVE SCHEME THAT IS
UNDER ATTACK HAS NOTHING TO DO
WITH BALLOT INTEGRITY.
MOREOVER, THERE IS NO
LEGISLATIVE HISTORY OFFERED
BEFORE THIS COURT --.

>> IT MIGHT BE A LITTLE BROAD,
BUT IT HAS NOTHING TO DO WITH
BALLOT INTEGRITY BECAUSE IF I
SIGN IT, BECAUSE THAT WAS REALLY
NOT MY SIGNATURE, THAT CERTAINLY
GOES TO, IN MY MIND, BALLOT
INTEGRITY.

I THOUGHT YOUR ARGUMENT REALLY
WAS THIS STATUTE GOES TOO FAR.
BUT ARE YOU REALLY SAYING THAT
THE LEGISLATURE HAS NO AUTHORITY
TO DO ANYTHING ABOUT REVOCATION
OF A SIGNATURE?

>> I AM SAYING THAT THE
CONSTITUTION'S PLAIN MEANING
DOES NOT ALLOW FOR A SIGNATURE
REVOCATION PROCESS.

IF THE LEGISLATURE BELIEVES
THAT, AS A NECESSARY PART OF
INSURING BALLOT INTEGRITY, CAN
PUT THE MEASURE BEFORE THE
VOTERS SO THAT THEY CAN AMEND
THEIR OWN--

>> AREN'T WE DEALING WITH
SEMANTICS, BECAUSE AGAIN IF WE
HAVE THIS HYPOTHETICAL-- AND I
REMEMBER THE LEVEL PLAYING FIELD
CASE, THAT INSTEAD OF IT BEING
CALLED REVOCATION IT IS
ADDITIONAL STEPS FOR VALIDATION.
IN OTHER WORDS, TO ME, IF THERE
IS WIDESPREAD FRAUD IN THE
PETITION-GATHERING PROCESS
RATHER THAN SETTING UP A
COMPETING POLITICAL ACTION
COMMITTEE THAT COULD, AS YOU
SAY, BE DOING THE SAME THINGS OR
WORSE, THAN THE ORIGINAL
PETITIONERS, THE BETTER THING
WOULD BE TO SAY LET'S MAKE SURE
WE TAKE SOME CAREFUL STEPS TO
VALIDATE AND MAYBE SOME OF THEM
MIGHT BE MORE ONEROUS AND MAYBE
SOMEBODY WON'T SIGN IT.
LIKE YOU HAVE TO SHOW YOUR
PICTURE ID AT THE POINT YOU SIGN

IT AND PUT YOUR DRIVER'S LICENSE ON IT, AND YOU HAVE TO GIVE THE PETITIONER A COPY OF THE ACTUAL AMENDMENT SO THEY HAVE IT WITH THEM, YOU KNOW, WHEN THEY COME OUT AND HAVE A CHANCE TO READ IT.

I CAN SEE YOU AGREE SOME OF THOSE MIGHT IN FACT BE MORE APPROPRIATE TO ADDRESS WHAT MIGHT BE PROBLEMS NOW AND COULD BE DONE IN THE NAME OF THE VALIDATION PROCESS WHEN IT COMES TO THE REVOCATION PROCESS.

>> YOU HIT THE NAIL RIGHT ON THE HEAD JUSTICE PARIENTE.

THE VERIFICATION PROCESS IS FAIR GAME AND SURE THE LEGISLATURE CAN BEEF THAT UP.

THE REVOCATION PROCESS IS A HORSE OF A DIFFERENT COLOR. AGAIN, LET'S THINK ABOUT IT LOGICALLY.

>> THE REVOCATION THAT THE SIGNATURES HAVE TO BE VERIFIED IN THE CONSTITUTION.

>> THE REQUIREMENT FOR SIGNATURE VERIFICATION IS NOT EXPRESSLY PROVIDED FOR IN THE CONSTITUTION.

THAT IS CORRECT.

>> SO, EVIDENTLY NAME OF VERIFICATION IS WITHOUT CONSTITUTIONAL AUTHORITY, SO WHY IS THE REVOCATION DIFFERENT FROM THE VERIFICATION?

>> I WILL EXPLAIN THAT.

AGAIN, ARTICLE XI, SECTION 3 SAYS IT IS SIGNED BY A NUMBER OF ELECTORS, SIGNED BY-- WELL VERIFICATION GOES TO WHETHER OR NOT THAT PERSON SIGNED IT, OKAY? SO THAT IS FINE, THE REVOCATION PROCESS, WHAT IT DOES IS IT REQUIRES IN THE STATE'S BRIEF, IT REQUIRES THE SPONSOR TO OBTAIN MORE SIGNATURES, THEN MORE MONEY, COLLECT MORE SIGNATURES TO ACCOUNT FOR POTENTIAL REVOCATION.

THAT IS ADMITTED BY THE STATES SO THEY HAVE IN FACT BURDENED THE CITIZENS WHO FAVOR THE LEGISLATURE.

>> I'M TRYING TO FIGURE, HOW DOES THE SUPERVISOR OF ELECTIONS-- WHAT IF A PERSON REVOKES A DIFFERENT COUNTY WHEN THEY SIGNED IT? HOW DO THEY ACTUALLY SEE WHAT THE REVOCATION-- DO YOU KNOW HOW THEY DO THAT? IT SEEMS, IT SEEMS PRETTY BURDENSOME ON THE SUPERVISOR OF THE ELECTION.

>> IT DOES, IN FACT THE REVOCATION PROCESS ALLOWS THE SPONSOR OF THE REVOCATION TO STOCKPILE THE REVOCATION DIVISION AND THEN SPRING THEM ON THE SUPERVISOR OF ELECTIONS ON THE DAY, YOU KNOW, BEFORE FEBRUARY 1ST.

>> SO IT DOES ALLOW YOU THEN TO KNOW?

>> NO, THAT IS IMPOSSIBLE.

>> OKAY, THAT PICTURE IS IMPORTANT TO ME.

>> IT IS RIGHT IN-- LESLIE BLACKNER, RIGHT IN THE RECORD. THERE IS NOTHING BY WAY OF DISCOVERY AFFIDAVIT OR ANYTHING ELSE THAT CONTRADICTS WHAT LESLIE BLACKNER'S AFFIDAVIT SAID, AND SHE CLEARLY STATES, AND I WILL PROVIDE YOU-- BEAR WITH ME.

115, PARAGRAPH 17, THE AUGUST 1ST IMPLEMENTATION OF THE REVOCATION STATUTE OF RULES IS DRAMATICALLY-- BECAUSE OF THE REVOCATION, FHD CANNOT MAIL IT UNTIL JANUARY 31, 2007, WHETHER WE HAVE COMMITTED A SUFFICIENT NUMBER OF PETITIONS, CANNOT KNOW WHETHER THE DISTRICT IN WHICH WE WERE ORIGINALLY QUALIFIED STILL REMAINS AND, INDEED, CANNOT DEPEND ON ANY OF THE PETITION ACCOUNTS PROVIDED SINCE WE HAVE NO WAY OF KNOWING WHEN AND HOW MANY REVOCATION FORMS WILL BE SUBMITTED.

>> FEBRUARY IS IMPORTANT-- AND GO ON THE BALLOT.

>> FEBRUARY 1ST IS THE NEW DEADLINE ESTABLISHED BY THE 2004 AMENDMENT TO THE ARTICLE XI,

SECTION 3.

I HAVE 21 SECONDS.

>> YOU ARE OVER ABOUT 21 SECONDS.

>> MAY I HAVE ONE-- I JUST BEG, I BEG THE COURT TO EXPEDITIOUSLY DECIDE THIS CASE ONE WAY OR ANOTHER SO WE CAN GET ON WITH THE BUSINESS OF QUALIFYING FOR THE BALLOT.

>> I KNOW THIS IS IMPORTANT. WHY IS IT THAT YOUR PARTICULAR ORGANIZATION IS PREJUDICED ABOUT WHAT IS GOING ON RIGHT NOW? YOU HAVE 20 SECONDS TO EXPLAIN THAT.

>> WE WERE THE ONLY INITIATIVE PETITION TARGETED FOR A REVOCATION CAMPAIGN AND THAT STILL IS THE CASE.

NOW, MR. MAKAR DOES ACTIVELY POINT OUT THAT IN 2008 THE LEGISLATURE AMENDED THE LAW TO ALLOW AN ELECTOR TO GO TO THE SUPERVISOR OF ELECTIONS OFFICE AND REVOKE HIS OR HER SIGNATURE BY PAYING A DIME AND USING A FORM.

[INAUDIBLE]

>> THAT IS CORRECT.

IT IS A ONE-WAY STREET, WHICH AGAIN SHOWS HOW UNREASONABLE AND OPPRESSIVE WHAT THE LEGISLATURE IS.

>> MR. MAKAR, I BELIEVE YOU HAVE A COUPLE OF MINUTES LEFT.

>> IF I COULD MAKE A FEW POINTS. FIRST OF ALL, AS THE LAW IS NOW, ANY ORGANIZATION, ANYONE COULD--

[INAUDIBLE]

IT SHOULD NOT BE DIMINISHED.

>> ISN'T THIS, I MEAN THE WHOLE IDEA, MAYBE STATUTE THAT REALLY TALKS ABOUT AN INDIVIDUAL'S RIGHT TO REVOCATION WITHOUT ALL OF THESE PACKS AND ALL OF THIS, IT JUST SEEMS TO ME WHEN YOU HAVE THAT KIND OF SITUATION, ALL YOU ARE REALLY DOING IS CONFUSING THE WHOLE PROCESS AS OPPOSED TO DEALING WITH THE INTEGRITY OF THE BALLOT.

>> GOING TO THAT ISSUE, CERTAINLY LEGISLATORS DID NOT

BURDEN ANY RIGHT.

[INAUDIBLE]

>> I'M NOT TALKING ABOUT THEIR RIGHTS OF RESPONSES.

I AM TALKING ABOUT THE WHOLE, THIS WHOLE INITIATIVE PROCESS.

IT SEEMS TO ME WE ARE COMPLICATING THAT PROCESS BY THESE PACTS THAT GO OUT, AND ONE WANTS TO REVOKE SIGNATURES, ONE WANTS TO GET MORE SIGNATURES AND IT SEEMS TO ME WE END UP IN A PLACE WHERE WE DON'T KNOW WHAT IS GOING ON AND HOW ANYTHING IS GOING TO HAVE TO GET ON THE BALLOT.

>> WITH DUE RESPECT, IT IS NOT THAT COMPLICATED AND THERE ARE TWO PRINCIPLES THAT I CAN THINK OF.

THIS COURT, THE PRINCIPLE OF THIS COURT, IS NUMBER ONE, THE POWER OF THE GOVERNMENT. HAS THE POWER OF THE GOVERNMENT BEEN INCREASED?

HAS IT WEAKENED THE POWER OF THE PEOPLE?

NO, IT HAS ENHANCED THE POWER OF THE PEOPLE.

>> BUT IT HAS WEAKENED IT IN THE SENSE THEY MAY CHANGE THEIR MINDS AGAIN, AND THERE IS NOTHING ELSE THEY CAN DO.

>> BEFORE THE LEGISLATURE-- THEY ONLY HAVE ONE SHOT AT IT.

>> I DON'T UNDERSTAND THAT ARGUMENT AT ALL MR. MAKAR. THEY ONLY HAVE ONE SHOT AT IT? I UNDERSTAND YOU CAN REFUSE TO SIGN IT, BUT I DON'T UNDERSTAND YOUR CONCEPT THAT WE WANT THESE VOTERS TO BE ABLE TO KNOW, AND IF THEY HAVE BEEN DEFRAUDED THEY CAN GET THEIR NAME OFF OF THERE. BUT YOU HAVE PROHIBITED THEM FROM EVER SIGNING ANYTHING.

>> THAT WAS NOT BECAUSE OF THE REVOCATION.

THAT IS THE WAY THE LAW IS AND THAT IS THE WAY IT IS, ONE TIME, YOU GET ONE SHOT AT IT.

>> IF YOU HAVE ONE SHOT, YOUR REVOCATION IS ANOTHER SHOT. I'M REALLY MISSING THIS ONE-SHOT

THING.

>> AS I SAID IN OTHER STATES--

>> MAYBE THAT IS WHY IT IS UNCONSTITUTIONAL, BECAUSE IT IS A SECOND SHOT OF SOMETHING YOU ALREADY SIGNED.

IT IS ONE THING IF YOU WERE SIMPLY DEFRAUDED AND IT IS SOMETHING ELSE IF YOU SAID, I CHANGE MY MIND.

WE COULD ARGUE THIS PROBABLY FOR A LONG TIME.

>> IF I COULD MAKE THIS ONE LAST POINT.

>> ONE LAST POINT.

>> THE CASE YOU FRAMED IS ONE IN WHICH THE LEGISLATURE IS RESPECTING THE RIGHT OF THE PEOPLE-- THE CONSUMER PROTECTION, WHICH EMPOWERS THE PEOPLE AND PUT IN THAT MODE OF THOUGHT,.

[INAUDIBLE]

>> THANK YOU VERY MUCH. THANK YOU BOTH FOR YOUR ARGUMENTS.

THE COURT WILL NOW BE IN RECESS FOR TEN MINUTES.

>> PLEASE RISE.

THE SUPREME COURT IS NOW IN RECESS.