

>> WE WILL NOW MOVE TO OUR
NEXT CASE.

IN THE NEXT CASE IS ADVISORY
OPINION RELATED TO PROHIBITION
ON POSITION OF DEFINED ASSAULT
WEAPONS.

>> THANK YOU, MISTER CHIEF
JUSTICE, MAY IT PLEASE THE
COURT.

WE ARE HERE TO DISCUSS THE
ATTORNEY GENERAL'S REQUEST FOR
AN ADVISORY OPINION REGARDING
THE INITIATIVE POSITION
PROHIBITING POSITION OF ASSAULT
WEAPONS.

MY NAME IS JAMES PERCIVAL AND I
WILL PRESENT EICHMANN FOR THE
ATTORNEY GENERAL, GEORGE
LEVESQUE WILL TALK ON BEHALF OF
THE NATIONAL RIFLE ASSOCIATION
AND AMBER WILL TALK ABOUT THE
NATIONAL SPORTS FOUNDATION.
I WOULD LIKE TO SAVE TWO MINUTES
REBUTTAL.

THE BALLOT SUMMARY IS CLEARLY
AND CONCLUSIVELY DEFICIENT FOR
TWO REASONS.

ONE, IT MISCHARACTERIZES THE
POSITION OF LONG GUNS CURRENTLY
POSSESSED AND 2, BOTH BY VIRTUE
OF WHAT IT SAYS AND WHAT IT DOES
NOT SAY IT FAILS TO DISCLOSE THE
SWEEPING NATURE OF THE MAN ON
SEMI AUTOMATIC LONG GUNS.

I WANT TO START WITH THE FIRST
POINT AND I HAVE TWO POINTS TO
FOCUS ON IN DISCUSSING THE
EXEMPTION.

ONE IS THE TEXT IS INCONSISTENT
AND 2, I WANT TO WALK THROUGH
THE PROPONENT'S COUNTERARGUMENT
AND CLAIM WHY EACH OF THEM FIT.
FIRST ON THE INCONSISTENCY OF
THE TEXT.

THE SUMMARY STATES, QUOTE,
EXEMPTS AND REQUIRES
REGISTRATION OF ASSAULT WEAPONS
LAWFULLY POSSESSED.

IN OTHER WORDS IT IS FRAMED AS
AN EXEMPTION THAT RUNS TO THE

ASSAULT WEAPON.

THE AMENDMENT'S TEXT IS VERY CLEAR AND I DON'T THINK THIS IS DISPUTABLE BY ANY OF THE PARTIES, THAT EXEMPTION IS IN FACT LIMITED TO THE PERSON'S POSITION OF THE ASSAULT WEAPON. AT FIRST BLUSH IT MAY SEEM LIKE AN AND SIGNIFICANT DIFFERENCE BUT WHEN YOU UNPACK IT YOU SEE THE DIFFERENCES ARE VERY SIGNIFICANT.

OUR DIFFERENCES LIKE YOUR ABILITY TO SELL THE WEAPON, TRANSFER THE WEAPON, DEVISE IT IN YOUR WILL.

THERE ARE DIFFERENCES ON A DAY TODAY BASIS LIKE A PERSON'S ABILITY TO TAKE THEIR CHILD TO THE GUN RANGE AND TEACH THEM TO SHOOT, CHILD'S POSITION WOULD BE PROHIBITED BUT THE MOST IMPORTANT EFFECT AND THE EFFECT I WANT TO TALK ABOUT IS THE LONG-TERM EFFECT BECAUSE THE WAY THIS IS FRAMED IN THE BALLOT SUMMARY IS WHAT IT SAYS TO VOTERS, WE PROHIBIT NEW SALES BUT THE GUNS THAT ARE IN FLORIDA NOW ARE NOT GOING TO BE PROHIBITED BUT WHAT IS GOING ON HERE IS DIFFERENT.

THIS IS A SUNSET PROVISION IS WHAT THIS DOES IS BUILDS IN AN EXPIRATION OF EVERY FIREARM IN FLORIDA.

THE EXPIRATION WILL BE DIFFERENT FOR EVERY FIREARM.

IF AN OLDER PERSON OWNS THE FIREARM MAYBE SOMEBODY WILL WANT TO SELL IT BUT THERE'S A BIG DIFFERENCE BETWEEN GRANDFATHERING IN FIREARMS AND SUNSETTING THEM.

THIS SAYS IT DOES THE FIRST THING BUT IT ACTUALLY DOES THE SECOND THING.

NOW I WANT TO ADDRESS THE PROPONENTS COUNTERARGUMENT. THEY FALL INTO TWO CATEGORIES,

THE FIRST IS THE ARGUMENT THE
BALLOT SUMMARY IS NOT
INCONSISTENT IN THE SECOND
CATEGORY OF ARGUMENTS WHICH I
TAKE TO MEAN THEY THINK THE
COURT SHOULD OVERLOOK THE
INCONSISTENCY EVEN IF IT EXISTS.
FIRST ON ARGUMENTS REGARDING
WHETHER THEY ARE CONSISTENT I
THINK THERE ARE DIFFERENT
VERSIONS OF CONTEXT ARGUMENTS
AND PURPOSE ARGUMENTS WAS ON
CONTEXT I THINK CONTEXT FAVORS
SIGNIFICANTLY OUR READING HERE.
IF YOU LOOK AT THE IMMEDIATELY
PRECEDING SENTENCE IN THE BALLOT
SUMMARY IT REFERS TO AN
EXEMPTION OF LAW ENFORCEMENT AND
MILITARY PERSONNEL.
WHAT YOU HAVE IS BACK TO BACK
EXEMPTIONS JUXTAPOSED BY ANY
READER.
THE FIRST, VERY ESPECIALLY ONES
TO USE, VERY EXPRESSLY RUNS THE
WEAPON SO WHEN YOU ADD CONTENT,
WE THINK THE SENTENCE HAS A
PLAIN MEANING AND THAT SHOULD
END THE INQUIRY.
WHEN YOU BRING CONTEXT INTO IT,
CONTEXT MAKES IT MORE CLEAR THE
FIRST EXCEPTION RUNS TO THE
USER, A SECOND EXEMPTION RUNS TO
THE ITEM.
THE SECOND ARGUMENT, DIFFERENT
VERSIONS OF THE PURCHASE
ARGUMENTS.
OUR POSITION WOULD BE PURPOSE
CANNOT OVERCOME PLAINTIFF BUT
THERE IS A SECOND IMPORTANT
CONSIDERATION SPECIFIC TO THIS
REGIME.
WHAT THEIR ARGUMENT IS ASKING IS
FOR VOTERS TO DEVELOP AN
UNDERSTANDING OF PURPOSE AND USE
IT TO IGNORE THE TEXT BUT WHAT
THEY DON'T EXPLAIN IS WHERE ARE
VOTERS GOING TO LEARN WHAT THE
PURPOSE IS.
WITH THE FLORIDA LEGISLATURE HAS
STATED, THE BALLOT SUMMARY

ITSELF TELLS THE VOTER WHAT THE PURPOSE IS.

THERE ARE TWO LEVELS THAT ARE PROBLEMATIC ABOUT THEIR ARGUMENT, THE FIRST IS VOTERS RELYING ON A PURPOSE BUT THE SECOND IS VOTERS LOOKING OUTSIDE THE DOCUMENT THE LEGISLATURE SAID PROVIDES THE PURPOSE AND DEVELOPED BASED ON THEIR UNDERSTANDING.

SO UNLESS THE COURT HAS FURTHER QUESTIONS ABOUT THE EXEMPTION I WOULD LIKE TO TURN TO OUR SECOND ARGUMENT AND THAT SECOND ARGUMENT IS VOTERS ARE UNLIKELY TO UNDERSTAND THE BREADTH OF THE BAN IN THIS CASE.

WE LAID OUT WHY THIS IS A VIRTUAL BAN AND THERE ARE THREE CONSIDERATIONS THAT WE THINK MAKE VOTERS UNLIKELY TO UNDERSTAND THIS.

THE FIRST IS THE BROAD MEANING OF THE PHRASE CAPABLE OF AND NOT JUST THE MEANING OF THE PHRASE BY ITSELF BUT IN THIS PARTICULAR CONTEXT.

THE SECOND IS THE TERM ASSAULT WEAPONS WHICH WE RECOGNIZE IS DEFINED IN THE BALLOT SUMMARY ITSELF BUT WE THINK THE TERM HAS A PARTICULAR CONNOTATION AND WHEN COUPLED WITH THE PHRASE CAPABLE OF WE THINK MAKES LESS LIKELY VOTERS WILL UNDERSTAND THE NATURE OF THE BAN.

AND WITH A FARM CAPABLE OF HOLDING 10 ROUNDS, THAT IS NOT COMMON KNOWLEDGE.

>> CAN I ASK YOU A QUESTION? THERE'S A LOT OF DISPUTE ABOUT THE BREADTH BUT TO THE EXTENT THE VOTER KNOWS FROM THE SUMMARY WHAT OPERATIVE WORDS WOULD BE IN TERMS OF CAPABLE OF AND THAT IS DEBATABLE HOW IT WOULD APPLY HOW IN THIS CONTEXT WITH THIS ADVISORY OPINION SETTING, HOW ARE YOU SUPPOSED TO DECIDE TO

INTERPRET THE WORDS CAPABLE OF BUT IN TERMS OF WHAT EFFECT THAT WOULD HAVE THAT IS AVAILABLE TO PEOPLE AND EXTRAPOLATING TO THE EFFECT OF IT.

HOW DO WE RESOLVE DISPUTES IN THE CONTEXT OF THIS PROCEEDING?

>> MAYBE TWO QUESTIONS, HOW DO WE RESOLVE THE FACTUAL DISPUTES AND THE AMBIGUITY REFLECTED IN BOTH OF THESE.

THE FACTUAL DISPUTES, I CAN EXPLAIN WHY, ARE MORE SUPERFICIAL AND DON'T NEED TO HAVE FACTUAL DISPUTES.

WHAT YOU DISCOVER IS THE REAL DISPUTE IS OVER LEGAL INTERPRETATION OF THE PHRASE CAPABLE OF.

OUR EXPERT SAYS THESE MAGAZINE EXTENDERS THAT INCREASE CAPACITY OF ALL FIXED MAGAZINES, CINEMATIC SHOTGUNS AND THEIR EXPERTS THAT I DON'T THINK IT MEANS THAT AND HERE ARE SOME THINGS YOU SHOULD KNOW BUT I DON'T THINK THE MAGAZINE EXTENDERS EXIST AND THEY HAVE THIS BASIC EFFECT.

IT IS A PURE LEGAL QUESTION WHETHER THE PHRASE CAPABLE OF EMBRACES THOSE ACCESSORIES AND WE THINK IT DOES AND THESE THINGS CAN BE ATTACHED TO THE GUN IN A VERY SHORT TIME.

IT DOESN'T REQUIRE ANY EXPERTISE.

IT CAN BE PURCHASED IN THE MAIL SO WE THINK THE WORD CAPABLE OF IN THIS CONTEXT EMBRACES THOSE SORTS OF CHANGES.

IF I UNDERSTOOD YOUR SECOND QUESTION AND IF YOU WEREN'T ASKING IF I WILL ADDRESS IT ANYWAY, PERHAPS THERE IS AN AMBIGUITY IN BOTH PLACES AND IN THAT CASE THE BALLOT SUMMARY IS NOT PROBLEMATIC.

OUR POSITION WOULD BE WE AGREE THAT IN MOST CASES WHERE THE

LANGUAGE IS PARROTED THAT IS NOT GOING TO BE A PROBLEM BUT OUR POSITION IS THE VERY NATURE OF AN EXPLANATORY PURPOSE AS DESCRIBED IN 101.161

CONTEMPLATES SITUATIONS WHERE A MERE REITERATION IS INSUFFICIENT AND VOTERS WILL NEED SOME SORT OF EXPLANATION TO UNDERSTAND WHAT IS GOING ON AND WE WOULD SUBMIT THIS IS SUCH A CASE. I WANT TO TALK ABOUT THE WORD ASSAULT WEAPONS.

THIS TERM HAS A PARTICULAR CONNOTATION, WE RECOGNIZE THE TERM IS DEFINED IN THE BALLOT SUMMARY BUT ONE OF THE RISKS THAT IS PRESENT HERE IS WHEN VOTERS READ THE PHRASE CAPABLE OF THEY MIGHT HAVE QUESTIONS, WHAT DOES THAT MEAN, IS IT BROAD OR NARROW AND WHEN THEY SEE THE TERM ASSAULT WEAPONS WE THINK THAT IS LIKELY TO PUT THE VOTER CITIES TO THE EXTENT THEY HAVE CONCERNS THIS PROHIBITION MIGHT BE TOO BROUGHT AND MY FRIENDS NEXT TO ME HAVE LAID OUT WHY THAT TERM HAS A PARTICULAR CONNOTATION AND FINALLY ON AFTERMARKET ACCESSORIES WE HAVE EXPLAINED IN OUR BRIEF AND EXPERT DECLARATION, I DON'T THINK IT IS INTUITIVE OR COMMON KNOWLEDGE TO VOTERS THAT YOU CAN GO ONLINE AND FIND SOMETHING CALL THE MAGAZINE EXTENDER THAT WILL INCREASE THE CAPACITY OF MOST IF NOT ALL SHOTGUNS AND I THINK SHOTGUNS MIGHT BE THE MORE EASY THING TO FOCUS ON AND THE REASON FOR THAT IS EVERYBODY LARGELY AGREES IF MAGAZINE EXTENDERS ARE ENCOMPASSED WITHIN THE WORD CAPABLE OF THEN THAT MEANS BASICALLY ALL SEMI AUTOMATIC SHOTGUNS WOULD BE PROHIBITED.

THERE ALSO SEEMS TO BE AGREEMENT THAT MAGAZINE EXTENDERS ARE NOT

INCLUDED THAT VERY FEW SEMI
AUTOMATIC SHOTGUNS WOULD BE
INCLUDED BECAUSE MOST OF THEM
COME WITH FIXED MAGAZINES THAT
HOLD TEN ROUND SO THIS SORT OF
YOU MIGHT SAY ARCAINE LEGAL
DISTINCTION REGARDING CAPABLE OF
AND WHETHER THESE ACCESSORIES
ARE EMBRACED BY THAT CAUSES A
HUGE SWING TO THESE SHOTGUNS
BEING PROHIBITED.

>> CAN I ASK ONE FINAL QUESTION?
DO YOU HAVE A POSITION ON
WHETHER THIS ROLLS BACK OR
RESTRICTS THE EXISTING
CONSTITUTIONAL RIGHT TO BEAR
ARMS OR IS IT SIMPLY DOING
SOMETHING THE LEGISLATURE TODAY
WOULD HAVE THE AUTHORITY TO DO?

>> WE HAVEN'T TAKEN A POSITION
ON THAT AND I WOULD BE HESITANT
TO FORMULATE ONE.

>> DO YOU THINK THAT IS RELEVANT
IN THE SENSE THAT IF WE BELIEVE
IT IS A RESTRICTION OR ROLLBACK
IS THAT SOMETHING YOU THINK
101.161 IN CASE WILL BE REQUIRED
TO BE DISCLOSED?

>> INTERESTING QUESTION.
WE HAVEN'T TAKEN A POSITION ON
IT.

I WOULD BE HESITANT TO FORM A
POSITION NOW.

UNLESS THERE IS ANYTHING ELSE.
I RESERVE MY TIME FOR REBUTTAL.

>> MY NAME IS GEORGE LEVEC AND
I'M HERE WITH MY COCOUNSEL TO
DISCUSS YOUR LAST QUESTION.

WE DO BELIEVE THERE IS AN
IMPAIRMENT OF AN EXISTING
CONSTITUTIONAL RIGHT THE BALLOT
SUMMARY DOES NOT ACTUALLY INFORM
VOTERS ABOUT, ARTICLE 1 SECTION
8 GRANTS THE RIGHT TO KEEP AND
BEAR ARMS.

THIS COURT IN WINDSOR ADDRESSED
THAT.

THE ISSUE WAS A STATUTE, A
STATUTE CRIMINALIZED POSITION OF
AUTOMATIC AND SEMI AUTOMATIC

WEAPONS.

THE COURT IN UPHOLDING THE STATUTE INTERPRETED IT AND EXPRESSLY HELD IN THAT OPINION THAT THE RIGHT TO KEEP AND BEAR ARMS RELATED TO SEMI AUTOMATIC RIFLES AND HANDGUNS AND SHOTGUNS WAS PRESERVED SO IN THAT CASE BECAUSE THE BALLOT SUMMARY DOES NOT ADEQUATELY INFORM THE VOTER THEY ARE LOSING THAT CONSTITUTIONAL RIGHT WE BELIEVE IT IS INSUFFICIENT AT PROVIDING THE EXPLANATION OF THE CHIEF PURPOSE.

>> WHAT'S THE BEST CASE TO SUPPORT THAT BECAUSE I DON'T KNOW THAT THAT'S OBVIOUS, SEEMS THAT THERE COULD BE SUPPORT THE TEXT ITSELF MAY BE INADEQUATE TO INFORM THE VOTERS IF THE TEXT DOES NOT DISCLOSE THAT IT WOULD AFFECT THE REPEAL OF CONSTITUTIONAL PROVISIONS, AND I FEEL THAT THERE'S --

>> THEY WILL ASK YOU, MOST BASIC CASES WHERE THERE WAS AN EXISTING CONSTITUTIONAL PROVISION THAT WAS ESSENTIALLY BEING ROLLED BACK BY THE AMENDMENT AND IF YOU JUST SAY WHAT THE AMENDMENT IS IN THE ABSTRACT YOU WOULDN'T UNDERSTAND THAT IT'S AFFECTING THE STATUS QUO.

>> CORRECT.

IN THE OTHER CASE -- ACTUALLY IT MAY HAVE BEEN THE ALASKA CASE THAT DEALT WITH ROLLBACK OF ETHICS LAW, THAT SPECIFIC CASE THE COURT SAID IT'S SOMETIMES THE PROBLEM IS NOT WHAT THE AMENDMENT SAY BUT WHAT IT DOESN'T SAY, THE BALLOT SUMMARY SAYS WE BELIEVE THAT IT VIOLATES THE 101.161 REQUIREMENTS BECAUSE IT USES POLITICAL RHETORIC, THE TERM ITSELF SALT WEAPONS IS SOMETHING RECOGNIZED BY JUSTICE THOMAS, JUSTICE KAVANAUGH,

RECOGNIZE THAT IT WAS POLITICAL RHETORIC, THE COURT HAS SAID REPEATEDLY THE EDITORIAL COMMENTS DO NOT BELONG IN THE BALLOT BOOTH, THEY SHOULD BE MADE OUTSIDE.

>> I AGREE THAT IN THE BUT HOW DO YOU OVERCOME THE FACT THAT THE TITLE SPECIFICALLY SAY ASSAULT WEAPONS AND -- AND AS LONG AS THE SUMMARY AND TITLE MAKE IT CLEAR TO THE VOTER THAT IT'S TIED TO DEFINITION THAT IT WOULD BE IN THE TEXT.

INTO WHAT AMENDMENTS CAN SAY UNDER THE GUIDELINES OF 101.161 WHEN 101.161, WE CAN'T INTERPRET THAT IN A WAY THAT WOULD UNDERMINE THE SUBSTANTIVE OR THE PEOPLE TO AMEND THE CONSTITUTION, RIGHT?

>> I BELIEVE THAT BECAUSE THE STATUTE 101.161 REQUIRE THAT THE BALLOT BE CLEAR AND UNAMBIGUOUS WHEN YOU TALK ABOUT POLITICALLY-CHARGED TERMS, BY NATURE THEY ARE AMBIGUOUS.

>> I MEAN, IT'S NOT AS IF -- I COULD UNDERSTAND IF THE -- IF THE OPERATIVE PROVISION DESCRIBED THE THINGS AND WITHOUT USING A TERM ASSAULT WEAPON AND IN THE SUMMARY SAID ASSAULT WEAPON, FOR INSTANCE, DARA, DARA, DARA; HOW DO YOU GET BEYOND THAT?

>> AS ATTORNEYS AND JUDGES WE RECOGNIZE THAT THERE'S THE TERM AND THE DEFINITION, THE TERM DOES NOT CONTROL THE DEFINITION BUT THE DEFINITION WILL CONTROL THE TERM, I DON'T BELIEVE THE AVERAGE VOTER WHEN THEY'RE LOOKING AT THAT AND THEY'RE SEEING THIS INCONSISTENT STATEMENT, ASSAULT WEAPON WHICH CONNOTES MILITARY RIFLE, BARRELS AN THOSE TYPES OF FEATURES AND THEN EQUATING THAT WITH THE DEFINITION WHICH WOULD BE SO

BROAD WHICH WOULD COVER RIFLES THAT ARE USED BY BOY SCOUTS AND EVEN PELLET GUNS OR BB GUNS BECAUSE THERE'S NOTHING THAT LINKS WHAT THEY ARE TALK ABOUT WITH ANY TYPE OF AMMUNITION, IN THAT, THOSE DIFFERENCES ARE SO STARK AND THEY ARE PLAYING ON THAT THAT THE AVERAGE VOTER IS NOT GOING TO APPRECIATE THAT AND ARE GOING TO BE CONFUSED BY THAT. TO ECHO ONE OF THE OTHER ARGUMENT THAT IS WAS MADE BY THE ATTORNEY GENERAL, THE BALLOT SUMMARY DESCRIBES GUNS IN TERMS OF EXEMPTIONS IT PROVIDES, HERE THE ACTUAL AMENDMENT APPLIES TO PEOPLE AND I WOULD GIVE ONE EXAMPLE, I WOULD FOCUS ON THE SAME-TYPE EVENT, A FATHER AND DAUGHTER GO OUT HUNTING. FATHER HAS A GUN THAT'S REGISTERED UNDER THE ACT, IF THEY ARE WALKING THROUGH WOODS AND THE FATHER LET'S THE DAUGHTER HOLD THE GUN, USE THAT GUN THAT DAY FOR HUNTING, AT THE END OF THE TRIP UNDER THE BALLOT SUMMARY WHAT HAPPENS, EVERYTHING IS FINE, NOBODY BROKE ANY LAWS BUT UNDER TEXT WHAT HAPPENS IS THE DAUGHTER HAS COMMITTED A FELONY AND THOSE TWO DISTINCTIONS ARE STARK AND NOT SPELLED OUT AND THE AVERAGE VOTER READING THAT THIS GUN THAT'S EXEMPT, THEY'LL BE ABLE TO SHARE WITH THEIR FAMILY, BE ABLE TO PASS IT DOWN WITH FAMILY IF THEY GO HUNTING WITH FRIENDS, THEIR FRIENDS CAN USE THE RIFLE IN FLORIDA, THAT'S NOT SPELLED OUT IN THE BALLOT SUMMARY THAT THAT'S THE CASE, IN FACT, THE EXACT OPPOSITE, FOR THAT REASON WE WOULD ASK THE COURT TO STRIKE THE BALLOT.

>> GOOD MORNING AND MAY IT PLEASE THE COURT, I'M EMILY DAHL ON BEHALF OF SHOOTING SPORTS FOUNDATION IN OPPOSITION TO THE

AMENDMENT, I'D LIKE TO USE MY BRIEF TIME TO ADDRESS THE NARROW ISSUE OF THE LACK OF CLARITY AND THE DEFINITION OF ASSAULT WEAPON INCLUDING IN THE BALLOT SUMMARY SPECIFICALLY THAT THE PHRASE CAPABLE OF MAKES THE SUMMARY UNCLEAR AND AMBIGUOUS, AN ASSAULT WEAPON DEFINED IN BALLOT SUMMARY SEMIAUTOMATIC RIFLE OR SHOTGUN, THE DEFINITION IS AMBIGUOUS AND DOES NOT MAKE IT CLEAR TO VOTERS THE FULL SCOPE OF FIREARMS THAT WOULD BE BANNED UNDER THE AMENDMENT.

WITHOUT A CLEAR UNDERSTANDING OF THE FULL SCOPE OF THE AMENDMENT, VOTERS WILL BE UNABLE TO CAST AN INTELLIGENT AND INFORMED BALLOT, THE BALLOT SUMMARY DOES NOT CLARIFY REQUIREMENTS AND SHOULD NOT BE PLACED ON THE BALLOT.

THE PROPONENTS OF THE AMENDMENT CONTENDS THAT UNDER THE BALLOT'S SUMMARY DEFINITION SEMIAUTOMATIC RIFLE OR SHOTGUN WOULD QUALIFY AS ASSAULT WEAPON ONLY IF IT IS CURRENTLY CAPABLE OF HOLDING MORE THAN 10 ROUNDS OF AMMUNITION AT ONCE.

FOR EXAMPLE, ON PAGE 13 OF THE MUNICIPALITY'S BRIEF, THEY SAY PROPOSED AMENDMENT DOES NOT INCLUDE FIREARMS THAT ARE CAPABLE OF BEING MODIFIED OR CONVERTED TO HOLD MORE THAN 10 ROUNDS OF AMMUNITION.

IN A BELATED ATTEMPT TO MAKE THE BALLOT SUMMARY CLEAR, THE SPONSOR ARGUES THAT WHAT THEY REALLY MEANT THE DEFINITION OF ASSAULT WEAPON TO BE WAS ANY SEMIAUTOMATIC RIFLE, SHOTGUN CAPABLE OF HOLDING 10 ROUNDS OF AMMUNITION AT ONCE WITHOUT MODIFICATION BUT THAT DISTINCTION ABOUT MODIFICATION IS NOWHERE IN THE TEXT OF THE BALLOT SUMMARY AS IT'S CURRENTLY DRAFTED AND CANNOT BE UNDERSTOOD

SIMPLY BY READING THE PHRASE
CAPABLE OF AS THE PROPONENT,
ARGUE, AMMUNITION STRAIGHT OFF
THE SHELF AS WELL AS ANY
SEMI-AUTOMATIC RIFLE OR SHOTGUN
THAT CAN BE MADE TO HOLD MORE
THAN 10 ROUNDS OF AMMUNITION
THROUGH THE USE OF SOME
ACCESSORY OR MODIFICATION.

>> SORRY TO INTERRUPT YOU,
SUMMARY OF THE AMENDMENT CANNOT
BE CLEAR IN THE SENSE OF
101.161, ARE YOU HINGING THAT ON
AN IDEA OF WHAT AN EXPLANATORY
STATEMENT IS?

>> YOUR HONOR IS CORRECT THAT
THE SUMMARY RECITES WORD FOR
WORD THE DEFINITION OF ASSAULT
WEAPON, THAT'S INCLUDED IN THE
TEXT OF THE AMENDMENT AND THIS
COURT HAS APPROVED BALLOT
SUMMARIES THAT INCLUDE IDENTICAL
LANGUAGE FROM PROPOSED
AMENDMENTS IN THE PAST, IN YOUR
OPINION REGARDING THE
CITIZENSHIP REQUIRED AMENDMENT,
YOU STATED THAT COMPLYING
101.161 THE BALLOT SUMMARY MUST
BE ACCURATE AND INFORMATIVE
OTHERWISE IT'S DEFECTIVE,
CARRYING THE LANGUAGE FROM THIS
AMENDMENT MAY SATISFY THE
ACCURACY REQUIREMENT, BUT IF THE
AMENDMENT ITSELF IS UNCLEAR AND
AMBIGUOUS, RECITING LANGUAGE
WORD FOR WORD WOULD NOT MAKE
INFORMATIVE.

>> HOW IS SOMEONE IN ADVANCE
SUPPOSED TO -- LET'S ASSUME
THERE'S AMBIGUITY THERE, HOW ARE
YOU SUPPOSED TO RESOLVE IT SINCE
WHAT SPONSORS SAY THAT THEY
THINK IT MEANS ISN'T AS WE SAW
FROM THE AMENDMENT FOUR CASE,
THAT DOESN'T MATTER AT THE END
OF THE DAY.

>> RIGHT.

>> REFLECTIVE OF WHAT ANYONE
WOULD UNDERSTAND THE WORDS TO
MEAN, SO I DON'T UNDERSTAND HOW

TO THE EXTENT THAT THIS SYSTEM,
UNLESS 101.161 WOULD BECOME
BARRIER, HOW ARE PEOPLE IF IT'S
NOT ENOUGH TO JUST REPEAT A
LET'S JUST SAY FOR SAKE OF
ARGUMENT THAT IT IS AMBIGUOUS,
HOW ARE YOU SUPPOSED TO GET
AROUND THAT, WHAT -- IF THEY HAD
TRIED TO LOCK IN A PARTICULAR
MEANING OF AMBIGUOUS TERM, THEN
THE ARGUMENT WOULD BE THAT IT
MEANS, YOU KNOW, WHAT THE OTHER
POSSIBLE INTERPRETATION IS AND
THE SUMMARY SHOULD HAVE SAID
THAT, HOW ARE PEOPLE SUPPOSED TO
DEAL WITH THAT?

>> I SEE THAT MY TIME IS ENDING,
SO MAY I ANSWER?

>> PLEASE DO.

>> WE BELIEVE THAT SECTION
101.161, IT INCLUDES A
RESPONSIBILITY ON THE SPONSOR TO
EXPLAIN IN CLEAR AND UNAMBIGUOUS
LANGUAGE TO CLEAR AMENDMENT AND
IF THEY CHOOSE AMENDMENT TO
ACHIEVE GOAL THEY STILL HAVE TO
SATISFY 101.161, YOU COULD
RECITE AMBIGUOUS LANGUAGE, THEN
IT'S POSSIBLE THAT MIGHT NEED TO
BE CLARIFIED, SO I'M OVER MY
TIME NOW AND WE WOULD ASK THAT
YOU NOT APPROVE THE BALLOT FOR
THE AMENDMENT, THANK YOU.

>> MAY IT PLEASE THE COURT, MAY
NAME IS JOHN MILLS, COUNSEL FOR
THE PROPONENT, ALSO TODAY FOR
PROPONENT COREY GRAY, ANDREW
STERLING, MR. CASAZZA
REPRESENTING THE BRADY AND TEAM
ENOUGH WILL BE PRESENTING AND
MR. JAMIE COLE REPRESENTING 12
CITIES.

I WILL ARGUE FOR 20 MINUTES,
EACH OF THEM WILL ARGUE FOR 5,
BUT THE FOCUS OF THESE QUESTIONS
AND, WELL, THE FOCUS OF THE
BRIEF AND ISSUES IS 101.161, AND
AS I THINK JUSTICE POINTED OUT
IN EARLIER ARGUMENT IT SAYS
CHIEF PURPOSE, SO THE QUESTION

IS WHAT DOES CHIEF PURPOSE MEAN,
THIS COURT AND A COUPLE OF
RECENT CASES EXPRESSED QUITE
PARTICULARLY ITS ROLE AND I
THINK IMPORTANTLY ITS ROLE IS
THAT IT WILL NOT REPLACE THE
POTENTIAL WISDOM OR JUDGMENT OF
VOTERS WITH ITS WISDOM AND THE
COURT HAS BEEN CONSISTENT ABOUT
THAT AND THAT RECOGNIZES THE
IMPORTANCE OF VOTERS IN THIS
ESTABLISHED CONSTITUTIONAL
PROCESS, AND THAT IT WILL NOT
REMOVE A BALLOT TITLE SUMMARY
UNLESS CLEAR AND CONVINCINGLY
WRONG.

SO IT IS THE BURDEN OF THE
SPONSOR TO PRESENT A CLEAR
QUESTION OR A CLEAR DESCRIPTION
OF THE CHIEF PURPOSE WHICH YOU
HAVE DETERMINED ON A CONTINUOUS
BASIS AND AT LEAST IN THOSE TWO
CASES CITED A TWO-PART APPROACH,
ONE IS THAT IF YOU AFFIRMATIVELY
MISLEAD, THEN YOU ARE NOT GIVING
THE VOTE-- A FAIR CHANCE AND
ALL THIS IS ABOUT GIVING THE
VOTER A FAIR CHANCE, AND THE
ISSUE OF AFFIRMATIVELY, IF YOU
HAVE NOT INCLUDED A MAJOR
PURPOSE OR A MATERIAL EFFECT,
YOU HAVE MISLED -- MISLED THE
VOTER.

SO HERE IS THE RESPONSIBILITY OF
THE SPONSOR TO NOT MISLEAD AND
TO INCLUDE AN EXPLANATION THAT
IS UNDERSTANDABLE TO THE VOTER
AND -- AND THAT'S IT.

>> CAN I ASK YOU A QUESTION,
SORRY TO INTERRUPT YOU, ON PAGE
38 OF THE BRIEF YOU SAY PROPOSED
AMENDMENT DOESN'T BRIDGE ANY
CONSTITUTIONAL RIGHT, IF THAT
PREMISE IS NOT CORRECT AND IT
DOES, IN FACT, BRIDGE A
CONSTITUTIONAL RIGHT WHICH
OBVIOUSLY THE PEOPLE IN AN
AMENDMENT CAN ABRIDGE AN
EXISTING CONSTITUTIONAL, WOULD
IT BE FATAL NOT TO DISCLOSE

THAT?

>> YOU ASKED THAT QUESTION, THERE ARE SERIES OF QUESTIONS THAT ADDRESS THE -- THE REQUIREMENT OF WHAT A PROPONENT MUST DO AND GOES BACK TO THERE WAS A CASE, 1.35 PROPERTY TAX REDUCTION AND IT'S INTERESTING IN THAT I -- THAT CASE TALKED ABOUT THE ISSUE OF WHAT NEEDS TO BE INCLUDED IN BALLOT LANGUAGE AND I SEE JUSTICE KENNEDY HAS BEEN DECIDED ALREADY ONCE FOR HIS DECENT AND THE DECENT IN THAT CASE PROVIDES THE BASIS OF WHERE WE HAVE GONE, THERE'S NO REQUIREMENT THAT THE BALLOT, TITLE AND SUMMARY EDUCATE VOTERS OF THE CONSTITUTIONAL STATUS QUO, THE LATEST STATEMENT ON THIS MAY BE FLORIDA GREYHOUND AND THERE ARE A COUPLE OF QUOTES IN THERE, SO I THINK IT'S PROBABLY CLEAR THAT IF YOU ARE REPEALING TEXT YOU NEED TO SAY IT, SO IF WE WERE TO SAY WE REPEAL THE RIGHT TO HAVE A HANDGUN, THAT WOULD REPEAL, BE REPEALING TEXT AND SAYING THAT THAT'S AN EXISTING RIGHT. IF YOU ARE CONFLICTING, I THINK, IT HAS TO BE CLEAR FROM THE TEXT THAT YOU ARE CONFLICTING AND THIS TEXT IS CLEAR THAT IT'S CHANGING AND AS YOU SAID, YOU CERTAINLY HAVE THE RIGHT TO CHANGE, BUT --

>> WOULD IT BE MATERIAL TO AN AVERAGE VOTER TO KNOW WHETHER THEY ARE JUST DOING SOMETHING THROUGH AN AMENDMENT THAT COULD ALREADY BE DONE LEGISLATIVELY UNDER THE EXISTING CONSTITUTION VERSUS ACTUALLY ROLLING BACK A CONSTITUTIONAL RIGHT?

>> SO IS IT MATERIAL TO TELL A VOTER THAT THIS COULD BE DONE LEGISLATIVELY AS OPPOSED -- AND I THINK THAT'S WHAT YOU MAY HAVE BEEN ALLUDING TO.

>> EXPLICIT THAT --
>> WELL, THAT'S -- 101 DOESN'T
APPEAR TO REQUIRE THAT AND THE
OVERALL CONSTITUTIONAL PROCESS
ALLOWS THE CITIZENS TO AMEND THE
CONSTITUTION, SO I -- YES, THERE
ARE SOME SON-- CONSTITUTIONAL
AMENDMENTS AND A NUMBER CAN BE
DONE BY STATUTE, MEDICAL
MARIJUANA WAS DISCUSSED, THAT
CAN BE DONE BY STATUTE, YOU
DIDN'T REQUIRE TO DISCLOSE THAT
IT COULD BE DONE BY STATUTE.
I THINK WHAT THE -- WHAT JUSTICE
KENNEDY WAS SAYING AND THE COURT
MAY HAVE ADOPTED AS LOGIC, IF
YOU ARE GOING TO REPEAL TEXT,
THEN YOU NEED TO TELL PEOPLE.
THE RINZLER CASE IS AMBIGUOUS.
>> THEY WEREN'T APPEALING ANY
TEXT, THEY WERE JUST ADDING --
>> BUT THEY WERE AFFECTING
DIRECTLY OR --
>> WELL, THEY WERE AFFECTING, I
MEAN, BUT ISN'T THAT WHAT WE ARE
TALKING ABOUT -- WELL, I MEAN, I
UNDERSTAND -- I UNDERSTAND THAT
IT'S ARGUABLE WHETHER THIS CASE
-- WHETHER IT'S WHATEVER, THE
CONSTITUTION MEANS WHAT IT MEANS
AND THIS EITHER IS OR IS NOT
ROLLING BACK AN EXISTING RIGHT
AND I'M STRUGGLING WHETHER WE
NEED TO KNOW WHAT THAT -- WHAT
THE SCOPE OF THE RIGHT IS BEFORE
WE CAN KNOW WHETHER THIS SUMMARY
IS OKAY, I MEAN, IT'S ARGUABLE,
IT COULD BE THAT THE ANSWER IS
YOU CAN RESTRICT OR ROLL BACK AN
EXISTING RIGHT AND NOT HAVE TO
DISCLOSE THAT IN WHICH CASE IT
DOESN'T MATTER -- YOUR POSITION
ISN'T -- YOU'RE NOT SAYING
CATEGORICALLY THAT YOU DON'T
HAVE TO DISCLOSE THAT YOU'RE
ROLLING BACK AN EXISTING RIGHT
IF THAT'S WHAT YOUR FOCUS WAS
DOING?
>> FIRST, YOU'RE DISCLOSING BY
THE TEXT OF WHAT YOU'RE SAYING

AND YOU'RE AMENDING, IT WOULD APPEAR THE LOGIC THAT WAS MENTIONED IN PROPERTY TAX CAP AND IN GREYHOUNDS IS THAT IF YOU ARE REPEALING, IF YOU'RE STRIKING AS SUCH, THEN YOU SHOULD TELL THE PEOPLE YOU'RE STRIKING A SECTION, BUT IF YOU'RE MODIFYING A CONSTITUTIONAL RIGHT, THERE'S NO PLACE IN THE CONSTITUTIONAL TEXT THAT SAYS ANYTHING ABOUT LONG GUNS AND SEMIAUTOMATIC WEAPONS THAT HOLD 10 ROUNDS, IT DOESN'T SAY ANYTHING ABOUT WEAPONS THAT HOLD TEN ROUND. IT SAYS THAT SURELY THEY -- IT IS INTERPRETING A STATUTORY CAPACITY TO DO THAT, SO I REALLY THINK THAT IF YOU CLEARLY ARE REPEALING TEXT, THEN THAT IS WHAT, I THINK, GREYHOUND IS SAYING THAT WE OUGHT TO DO, BUT IF YOU'RE MODIFYING THAT AND IF YOU'RE SUGGESTING THAT YOU TELL PEOPLE WHEN IT COULD BE DONE BY STATUTE, I DON'T THINK THAT'S IN THERE, BUT TO THE POINT OF WHAT THE TEXT DOES AND WHAT THE SUMMARY DESCRIBES AS TO OVERBROAD WHICH IS A CENTRAL POINT OR THEIR ARGUMENT IS, THIS IS OVERBROAD, IT COVERS TOO MANY, WELL --

>> BEFORE YOU ADDRESS THAT, COULD I ASK YOU TO ADDRESS ANOTHER ARGUMENT?

>> OKAY.

>> THAT THEY HAVE CONCERNING THE NEXT TO LAST SENTENCE OF THE BALLOT SUMMARY, THE -- THE SENATE SAYS EXEMPTS AND REQUIRES REGISTRATION OF ASSAULT WEAPONS LAWFULLY PROCESSED PRIOR TO PROVISION EFFECTIVE DATE, I THINK OUR LAW IS PRETTY CLEAR THAT A SUMMARY SHOULD NOT CONTAIN A STATEMENT THAT IS AFFIRMATIVELY MISLEADING.

>> CORRECT.

>> CORRECT?

WHAT IS YOUR BEST ARGUMENT THAT THAT STATEMENT IS NOT AFFIRMATIVE MISLEADING?

>> THAT THE INTERPRETATION OF THAT SENTENCE HAS TO BE BY TEXT, BY TRADITION AND ALL INTERPRETATIONS INCLUDE THE CONTEXT OF THE TITLE AND SUMMARY.

AND THE TITLE AND SUMMARY DEAL ONLY WITH POSSESSION.

THAT'S ALL THIS IS ABOUT AND POSSESSION IS A HUMAN ACTIVITY. THE ASSAULT WEAPON CANNOT POSSESS ITSELF, SO IT'S -- IT'S ILLOGICAL, WE DON'T EXPECT VOTERS TO BE ILLOGICAL, YOU DON'T HAVE TO ADOPT AN ILLOGICAL STATEMENT?

>> BUT SAYS, EXCEPTION.

>> EXCEPTION OF WHAT?

>> EXCEPTION THAT REQUIRES ASEXUAL ASSAULT WEAPONS LAWFULLY POSSESSED PRIOR TO PROVISION'S EFFECTIVE DATE.

I GUESS I'M MISSING THE POINT HERE.

>> THE CONTINUING ISSUE, THE WEAPON LAWFULLY POSSESSED ITSELF, EVERYTHING THAT DEALS WITH --

>> BUT IT REFERS -- BUT IT JUST SAYS A WEAPON THAT WAS LAWFULLY POSSESSED, BUT SEEMS LIKE THE NATURAL UNDERSTANDING OF THAT, LOOKING AT IT IN FULL CONTEXT IS THAT IT'S MAKING REFERENCE TO ASSAULT WEAPONS THAT WERE LAWFULLY POSSESSED PRIOR TO THE PROVISION'S EFFECTIVE DATE AND IT'S EXEMPTING THEM AND REQUIRING REGISTRATION OF THEM BUT I DON'T KNOW HOW ANYBODY WOULD GET AN IDEA FROM THAT THAT -- THAT WHEN THE PERSON WHO POSSESSED IT TREMBLES OFF THE EARTH AND IT'S ILLEGAL AND TURNS AS EXEMPTION OF ASSAULT WEAPON, SO HELP ME UNDERSTAND, IF

THERE'S ANYTHING ELSE THAT WOULD CAST A DIFFERENT LIGHT ON THAT, IF IT MEANS THAT, IF I'M READING THAT CORRECTLY THEN YOU, THAT IS AFFIRMATIVELY MISLEADING.

>> WELL, YES.

>> I UNDERSTAND THAT YOU THINK THAT MY READING I HAVE SUGGESTED OF THAT IS ERRONEOUS, BUT IF IT'S NOT, THEN THE SUMMARY IS AFFIRMATIVELY MISLEADING.

>> THE REASON THAT THE ARGUMENT IS ERRONEOUS IS THAT NOWHERE IN ANY INTERPRETATION OF BALLOT, TITLE AND SUMMARY DO YOU READ A SENTENCE IN ISOLATION THAT WOULD BE COMPLETELY NONSENSICAL.

>> THAT'S NOT NONSENSICAL. I DON'T UNDERSTAND WHY THAT WOULD BE --

>> NONSENSICAL RESULT, WE SUGGESTED AND IF YOU ACCEPT THIS ARGUMENT THAT IT NULLIFIES THE ENTIRE REST OF THE PROVISION BECAUSE IF I GOT AND BOUGHT 10,000 ASSAULT WEAPONS PRIOR TO EFFECTIVE DATE AND I REGISTERED THEM, I CAN THEN SELL THEM, I CAN -- I CAN BUY A HUNDRED THOUSAND WEAPONS.

>> BUT IT SAYS WHAT IT SAYS. I DIDN'T WRITE THIS.

I DON'T KNOW WHO DID BUT --

>> IT SAYS WHAT IT SAYS IN 75 WORDS IN CONTEXT.

I MEAN, THAT'S HOW SHOULD BE INTERPRETED IN A COMMON SENSE FASHION, YOUR HONOR.

>> LET ME GIVE YOU AN EXAMPLE, IF SOMEBODY HAS A SHOTGUN CAPABLE OF HOLDING MORE THAN 10 ROUNDS AND PUTTING ARGUMENT ASIDE WHETHER IT CAN INCLUDE MODIFICATION OR NOT, LET'S ASSUME THAT SOMEBODY REGISTERS THAT WEAPON, OKAY, AND SO THEY REGISTER THE WEAPON, THEY'RE FINE UNDER THE SUMMARY, RIGHT, THEY PASS AWAY, THEY DIE, SOMEBODY INHERITS THAT WEAPON,

IS THAT WEAPON THEN ILLEGAL OR NOT?

>> UNDER THE --

>> IT IS ILLEGAL AND THEY NEED TO TURN IT IN.

FOR EXAMPLE, IF YOU HAD ILLEGAL DRUGS.

>> UNDER THE TEXT OF THE AMENDMENT, IS IT ILLEGAL?

>> YES.

>> THAT'S A CONTRARY READING I WILL SUBMIT TO WHAT THE SUMMARY SAYS, WHY IS THAT NOT THE CASE?

>> SUMMARY.

>> SAME REASONS, WHEN YOU READ THE TITLE AND SUMMARY, YOU READ THEM TOGETHER AND THAT SENTENCE, SHOULDN'T BE READ IN ISOLATION.

>> HOW DOES THE SUMMARY PUT ME ON NOTICE THAT THE REGISTRATION OF WHAT I THINK UNDER THE SUMMARY IS OF AN APPROPRIATE REGISTRATION OF THAT WEAPON IS SUDDENLY ILLEGAL UPON MY PASSING, WHERE IS THERE NOTICE OF THAT?

>> WELL, YOU ARE IN -- THE ONLY EXEMPTION RELATES TO A HUMAN IN POSSESSION, SO YOU ARE IN THE WHOLE -- THE WHOLE BALLOT TITLE SUMMARY AND PROVISION DEALS WITH ILLEGAL POSSESSION AND ONLY A HUMAN WOULD ESSENTIALLY A LIFE IN BEING WHO IS ABLE TO REGISTER.

>> RIGHT, IT PROHIBITS THE POSSESSION OF DEFINED ASSAULT WEAPONS AND THEN SAYS THAT THAT -- THAT DEFINITION EXCLUDES ASSAULT WEAPONS THAT ARE LAWFULLY OWNED AT THE TIME OF PASSAGE, SO THAT -- YOU READ THAT ALTOGETHER AND I DON'T SEE HOW YOU VIEW IT ANY OTHER WAY, I MEAN, IT'S TALKING ABOUT POSSESSION BUT IT'S TALKING ABOUT WHAT YOU CAN POSSESS AND SAYS YOU CAN POSSESS A REGISTERED FIREARM THAT WAS POSSESSED AND MEETS -- OTHERWISE

MEETS THE DEFINITION ON THE DATE OF PASSAGE.

>> YOU CAN IF YOU REGISTERED AND IF YOU LAWFULLY POSSESS AND YOU'RE A PERSON.

>> WELL, LET ME MOVE YOU TO A DIFFERENT PART OF THIS WHICH IS ASIDE FROM THE AFFIRMATIVE MISLEADING BUT THE STATEMENT OF ACHIEVED PURPOSE.

>> YES.

>> THAT IS THE ARGUMENT ABOUT WHETHER THIS -- WHAT IS CAPABLE OF HOLDING MEANS, RIGHT?

>> SO AS I READ YOUR BRIEFS AND UNDERSTAND YOUR ARGUMENT IS AS THEY ARGUE THAT IT SEEMS TO REQUIRE THAT WE INSERT THE WORDS WITHOUT MODIFICATION IN THERE, IN OTHER WORDS, IF SOMEONE HAS SAY A 12-GAUGE AUTOMATIC SHOTGUN TYPICALLY USED FOR HUNTING, IT HOLDS 3 SHELLS WHEN YOU BUY IT, RIGHT, THEN WHAT THEY SAY IS THERE'S AVAILABLE OFF THE SELF, READILY AVAILABLE, YOU DON'T HAVE TO TAKE IT TO A GUN SMITH OR SOMETHING, THIS CAN BE EASILY MODIFIED TO HOLD 10 OR MORE AND THEREBY -- THEREFORE BE ILLEGAL UNDER THIS PARTICULAR PROVISION.

>> WELL, SPECIFICALLY IN RESPONSE TO THAT AND I ALSO THINK THAT JUSTICE MU-IZ WAS ASKING THAT ISSUE OF CAPABLE OF THE EXPERTS DON'T MATTER, YOU CAN -- YOU CAN INTERPRET CAPABLE OF.

CAPABLE OF BY ALL DICTIONARY DEFINITIONS MEANS PRESENTLY ENABLE OR PRESENTLY ABLE TO DO SOMETHING.

SO IF --

>> I HAVE A PUMP SHOTGUN, PUMP SHOTGUN WILL NEVER QUALIFY BECAUSE IT'S NOT SEMIAUTOMATIC BUT IF I HAD A SEMIAUTOMATIC WEAPON THAT YOU COULD ADD A CLIP TO, THAT WOULD QUALIFY. IF YOU'RE DESCRIBING A SITUATION

WHERE, WELL, YOU COULD EASILY
MODIFY, THAT DOESN'T WORK
BECAUSE IT'S THE WEAPON ITSELF
HAS TO BE CURRENTLY CAPABLE OF
FIRING MORE THAN 10 ROUNDS.

IF YOU'RE CAPABLE --

>> CAPABLE OF MEANING THAT
WITHOUT MODIFICATION IN SOME
WAY?

>> WELL, IN THE DICTIONARY
DEFINITION WE ARE LOOKING AT AND
THE ARGUMENT WE MAKE, CAPABLE IS
IN PRESENT TENSE.

IF I HAVE A CAR THAT CAN GO
100 MILES AN HOUR, I HAVE TO
MODIFY IT TO GO TO 300 MILES AN
HOUR, SO IT'S --

>> MODIFY IT A LOT.

>> MODIFY IT A LOT, BUT IF YOU

--

>> NOT OFF THE SHELF.

[LAUGHTER]

>> IF IT'S OFF THE SHELF, IF IT
IS OFF THE SHELF CAPABLE OF THEN
IT QUALIFIES.

>> SEEMS LIKE THE CHIEF PURPOSE
TO ME WHEN YOU PUT THAT ARGUMENT
AND THE REGISTRATION OF ASSAULT
WEAPONS, IT SEEMS TO ME THAT THE
CHIEF PURPOSE OF THIS AMENDMENT
IS TO ELIMINATE LONG GUNS WITHIN
A REASONABLE RATION IN THE STATE OF
FLORIDA, IS THAT NOT RIGHT?

>> WELL, THAT'S NOT THE --

THAT'S NOT THE EFFECT BY
ANYONE'S DEFINITION, WELL, THERE
ARE 3 LETHALITY CONDITIONS, YOUR
HONOR, SO IT IS LONG GUN, IT IS
SEMI-AUTOMATIC AND CAPABLE OF
HOLDING 10 ROUNDS, A LOT OF LONG
GUNS THAT ARE NOT SEMI-AUTOMATIC,
THERE ARE A LOT OF SHOTGUNS THAT
ARE NOT SEMI-AUTOMATIC AND THERE
ARE A LOT THAT ARE NOT CAPABLE
OF HOLDING 10 ROUNDS IN THE
INDUSTRY, IN FACT, HAS BUILT IN
RESPONSE TO OTHER POLICIES --

>> BUT THERE'S NOT A LOT THAT'S
CAPABLE OF BEING MODIFIED TO DO
THIS.

>> WELL, MODIFIED IS DIFFERENT.
>> THAT'S THE ISSUE, ISN'T IT?
>> YOU CAN MODIFY TO NOT COMPLY,
BUT IF THE WEAPON YOU OWN AT THE
MOMENT IS NOT CAPABLE OF, THEN
IT'S NOT COVERAGE, I MEAN, IT IS
-- BUT IF ONCE YOU'VE MODIFIED
IT, IT IS.
>> YOU AND I CAN THINK OF WHAT
LANGUAGE MEANS, OTHER PEOPLE MAY
NOT AGREE.
>> WELL --
>> YOU WOULD ADMIT THAT IF IT
HAS A CLIP ON IT, DETACHABLE
MAGAZINE, THAT COULD -- THE KIND
OF CHANGE THAT WOULD FALL WITHIN
THE SCOPE OF THIS --
>> DOES NOT MEAN TAKING IT OUT
AND PUTTING IT IN.
>> AND PUT A LARGER CAPACITY
MAGAZINE ON THERE, THEN --
>> THAT'S STILL CAPABLE OF --
>> THAT'S CORRECT.
>> OKAY.
>> AND BIG PICTURE, THOUGH, WE
ARE TALKING ABOUT 101.61 AND IF
WE GO DOWN THE PATH OF REQUIRING
PEOPLE TO INTERPRET ARGUABLY
AMBIGUOUS TERMS, THEN IN A
BALLOT SUMMARY, I DON'T KNOW HOW
ANYONE IN ADVANCE COULD WRITE A
BALLOT SUMMARY AND HAVE
EXPECTATION TO WHAT WE ARE GOING
TO DO WITH IT.
>> I SEE MY TIME IS UP.
>> YOU CAN ANSWER THAT.
IF YOU WANT --
>> I ALWAYS WANT TO ANSWER, SO
WHAT YOU'RE SAYING, THERE'S
ALWAYS GOING TO BE TERMS --
>> I THINK THAT WAS A FRIENDLY
QUESTION.
>> I KNOW, THERE'S ALWAYS GOING
TO BE TERMS THAT WILL NEED
FURTHER DEFINITION, AS LONG AS
IT'S UNDERSTANDABLE TO THE VOTER
OF WHAT IT'S DOING, THAT SHOULD
BE COMPLIANT, YOU EXPLAINED THE
CHIEF PURPOSE AND YOU EXPLAINED
WHAT IT DOES, AND THERE MAYBE

LATER INTERPRETATIONS AS THERE HAVE BEEN IN MANY CASES BEFORE YOU THAT HAVE BEEN PASSED BY INITIATIVE, THERE MAY BE FURTHER LEGISLATION AS THERE HAVE BEEN INITIATIVES HAVE BEEN PASSED AND FURTHER INTERPRETED, SO, YES, YOU SHOULD BE ABLE TO DESCRIBE WHAT IT DOES AND THAT'S A FAIR QUESTION FOR COMMON SENSE VOTER. THANK YOU, YOUR HONOR.

>> THANK YOU.

>> MR. CHIEF JUSTICE, MAY IT PLEASE THE COURT, KYLE CASAZZA WITH MY COLLEAGUES KRISTINA AND MATT MILLER, I REPRESENT PROPONENTS BRADY AND I WOULD LIKE TO ARGUE PROPONENT'S ARGUMENT THAT CONSTITUTE IMPROPER POLITICAL RHETORIC, GOING BACK TO STANDARDS FOR 101.161 THIS COURT CONSIDERS TITLE AND SUMMARY INFORM OF THE CHIEF PURPOSE AND WHETHER THE TITLE AND PURPOSE ARE MISLEADING, AS PART OF THAT SECOND QUESTION, THIS COURT HAS CRITICIZED THE USE OF MISLEADING POLITICAL RHETORIC.

THE WORDS MIGHT ELICIT ON EMOTIONAL RESPONSE FROM SOME VOTERS IS NOT ENOUGH TO KEEP A TITLE AND SUMMARY OFF THE BALLOT.

SURELY SOME FLORIDA VOTERS HAD EMOTIONAL RESPONSES TO PRIOR PROPOSED AMENDMENTS THAT WOULD PROTECT MARRIAGE AND PROHIBIT STATE SPENDING FOR EXPERIMENTATION THAT INVOLVES THE DESTRUCTION OF LIFE HUMAN EMBRYO, OTHERWISE SUCH A RULE WOULD, IN FACT, CREATE UNFAIR LIMITATION ON WHAT CITIZENS CAN PROPOSE FOR FLORIDA'S CONSTITUTION, GIVEN THAT PARTICULARLY WITH SENSITIVE TOPICS, IT'S OFTEN DIFFICULT TO AVOID USING LANGUAGE THAT MIGHT INVITE AN EMOTIONAL RESPONSE

FROM AT LEAST SOME VOTERS.

>> SORRY FOR INTERRUPTING YOU, THIS MIGHT BE ENOUGH, YOU'RE ONLY REFUGE HERE IS THE FACT THAT YOU WROTE ASSAULT WEAPON THAT TERM INTO THE PROPOSED CONSTITUTIONAL TEXT, YOU'RE NOT SUGGESTING THAT IN THE ABSENCE OF THAT BEING IN THE PROPOSAL ITSELF THAT YOU COULD USE THAT TERM IN THE SUMMARY?

>> IT WOULD DEPEND ON THE CONTEXT BUT HERE -- CORRECT, IT'S DEFINED AND IMPORTANTLY AS IN FLORIDA MARRIAGE PROTECTION, THE DEFINITION IS CONSISTENT WITH THE DICTIONARY DEFINITION OF ASSAULT WEAPON.

THIS ISN'T AN INSTANCE WHERE, FOR EXAMPLE, WE ARE DEFINING UP TO MEAN DOWN WITHIN THE TEXT OF THE SUMMARY AND THE PROPOSED AMENDMENT.

>> WELL, DOES A DICTIONARY DEFINITION OF ASSAULT WEAPON COVER LIKE A 22?

>> THE DICTIONARY DEFINITIONS --

>> I MEAN, A SEMIAUTOMATIC 22?

>> THE MERRIAM-WEBSTER DEFINITION DEFINES ASSAULT WEAPON.

>> IMPORTANTLY HERE THE DEFINITION --

>> ARE THERE OTHER DICTIONARY DEFINITIONS THAT EMPHASIZE OTHER THINGS?

>> THERE ARE OTHER DEFINITIONS THAT -- OPPONENTS MENTIONED COSMETIC FEATURES, OTHER STATE LAWS HAVE BANNED GUNS, FOR EXAMPLE, THAT RESEMBLE THE STYLE OF A PARTICULAR MODEL OF SEMIAUTOMATIC WEAPON, WE WOULD SUBMIT THAT THIS PROPOSED DEFINITION OF ASSAULT WEAPON WITHIN THE SUMMARY IS MORE USEFUL TO THE VOTER BY EMPLOYING OBJECTIVE CRITERIA, THE VOTER CAN DISCERN FROM THE TEXT OF THE SUMMARY A WEAPON IS BANNED IF

IT'S SEMIAUTOMATIC, IF IT IS A RIFLE OR SHOTGUN AND IF IT'S CAPABLE OF HOLDING MORE THAN 10 ROUNDS OF AMMUNITION.

>> DO YOU ACCEPT THE IDEA THAT, YOU'RE SAYING THAT THIS TERM ITSELF ISN'T POLITICAL RHETORIC, DO YOU BUY INTO THE IDEA THAT YOU CAN'T WRITE -- IF THE TERM CROSSES THE LINE INTO BEING TOO HOT OR TOO RHETORICAL THAT IT ACTUALLY COULDN'T BE USED IN THE CONSTITUTION AND THEREFORE NOT IN BALLOT SUMMARY?

>> I DON'T.

ONE CAN IMAGINE PROPOSED INITIATIVES WHERE IT MIGHT BE IMPOSSIBLE TO AVOID USING TERMINOLOGY THAT COULD BE SO HEATED AND SPARK INTENSE EMOTIONAL REACTIONS ON BOTH SIDES OF A PARTICULAR INITIATIVE THAT IT JUST MIGHT BE IMPOSSIBLE TO AVOID LANGUAGE IN SOME SITUATIONS.

>> BUT CAN PEOPLE DEFINE TERMS HOWEVER THEY WANT, COULD YOU HAVE SAID THIS BAN IS KILLING MACHINES DEFINED AS AND THEN USE THIS EXACT SAME DEFINITION AND THEN YOU PUT THAT IN A BALLOT SUMMARY, WOULD THAT BE OKAY?

>> NO, BECAUSE THAT WOULD BE MISLEADING, AT SOME POINT BY EMPLOYING A PURELY SUBJECTIVE EVALUATION, THE KILLING MACHINE, YOU'RE NO LONGER ACCURATELY REPRESENTING WHAT THE -- WHAT THE LEGAL EFFECT OF THE PROPOSED AMENDMENT DOES, IT GETS INTO CASE LAW SUCH AS EVANS V. FIRESTONE WITH NECESSARY COSTS AND MANDATES THAT DON'T WORK BY IMPOSING A SUBJECTIVE VALUE JUDGMENT IN THE TEXT OF THE SUMMARY, THE SUMMARY MISLED VOTERS AS TO THE LEGAL EFFECT OF THE AMENDMENT.

>> SO YOU ACTUALLY ACCEPT THE PREMISE OF THE OTHER SIDE THAT

WE HAVE TO INDEPENDENTLY, IT'S NOT ENOUGH THAT IT'S JUST USING THE SAME TERM THAT'S IN THE PROPOSED AMENDMENT THAT WE ACTUALLY DO HAVE TO EVALUATE WHETHER IT CROSSES SOME LINE OF IMPERMISSIBLE RHETORIC?

>> I THINK THE CASES ARE CLEAR THAT NOT -- NOT EVERY QUESTION AS TO WHETHER SOMETHING MIGHT FALL WITHIN A TERM USED BETWEEN BOTH A SUMMARY AND AMENDMENT NEED TO BE IDENTIFIABLE AT THE STAGE OF EVALUATING WHETHER OR NOT IT COMPLIES WITH 101.161, THAT THERE MAY BE CASES DOWN ROAD RAISING THE ISSUE OF WHAT CAPABLE OF CAN MEAN OR WHAT POSSESSION CAN MEAN, SHOULDN'T BE FATAL TO THE TITLE AND SUMMARY HERE.

>> ALL RIGHT.

>> AND I SEE I HAVE LITTLE TIME REMAINING.

>> NO, ACTUALLY YOU HAVE USED A LITTLE EXTRA TIME.

>> THANK YOU, YOUR HONOR.

>> THAT'S WHAT THE RED MEANS, THE RED LIGHT.

>> MAY IT PLEASE THE COURT, I'M HONORED TO BE HERE, I WOULD LIKE TO USE MY LIMITED TIME TO TRY TO CONVINCING YOU THAT THE LAST SENTENCE IN THE BALLOT SUMMARY IS NOT MISLEADING AND THAT THE REASONABLE VOTER USING COMMON SENSE WILL READ THAT THE WAY CONSISTENT WITH THE TEXT WHICH

--

>> THE NEXT TO LAST SENTENCE?

>> YES, NEXT TO LAST SENTENCE, REQUIRES REGISTRATION.

I WOULD LIKE TO START BY SAYING YOU TO LOOK AT IT IN CONTEXT AND MY FIRST ARGUMENT WOULD BE YOU NEED TO LOOK AT IT IN CONTEXT AS IT IS USED IN THE SENTENCE, THE NRA IN PROPOSING THIS ARGUMENT ON PAGE 16 OF THEIR BRIEF, THIS IS WHAT THEY SAY, A QUOTE FROM

THEIR BRIEF, SPECIFICALLY THE
BALLOT SUMMARY STATES
CATEGORICALLY THAT THE
AMENDMENT, QUOTE, EXEMPTS DOT,
DOT, DOT, ASSAULT WEAPON'S
LAWFULLY POSSESS BEFORE
AMENDMENT'S EFFECTIVE DATE AND
THE REASON I EMPHASIZE THAT IS
BECAUSE OF THE DOT, DOT, DOT.
THEY TAKE OUT THE DOT, DOT, DOT
AND WHEN YOU LOOK AT IT EXEMPTS
ASSAULT WEAPONS UNLAWFULLY
POSSESSED BEFORE EFFECTIVE DATE
DOES SEEM TO SUPPORT THEIR
ARGUMENT, MAKES IT SOUND LIKE
THE WEAPON ITSELF IS EXEMPT,
HOWEVER, IF YOU READ IT THE
OTHER WAY AND PUT THE DOT, DOT,
DOT ON THE EXEMPT AND READ IT
DOT, DOT, DOT, REQUIRES
REGISTRATION OF ASSAULT WEAPONS
LAWFULLY POSSESSED PRIOR TO
EFFECTIVE DAY YOU COME TO
OPPOSITE CONCLUSION, OBVIOUSLY
THE ONLY PERSON THAT CAN
REGISTER AN ASSAULT WEAPON
LAWFULLY POSSESSED PRIOR TO THE
PROVISION'S EFFECTIVE DATE WOULD
BE THE PERSON WHO LAWFULLY
POSSESSES IT.
AND WHEN YOU PUT THOSE TOGETHER

--

>> I'M NOT FOLLOWING THOSE,
LET'S PUT ASIDE ALL THE DOTS,
DOTS, DOTS, WE READ THE WHOLE
THING, I DON'T UNDERSTAND WHAT
IS IN HERE THAT WOULD NOT LEAD
SOMEONE TO BELIEVE THAT IT'S
EXEMPTING THE ASSAULT WEAPONS
AND REQUIRING -- THAT WERE
LAWFULLY POSSESSED AND I WOULD
UNDERSTAND AN ONGOING OBLIGATION
FOR THOSE EXEMPTED ASSAULT
WEAPONS TO BE REGISTERED.
WHY WOULD I MISUNDERSTAND THAT?
>> BECAUSE THE EXEMPTION AND THE
REGISTRATION REQUIREMENT GO HAND
IN HAND, THEY'RE NOT, IT'S NOT
AN EXEMPTION AND REGISTRATION
REQUIREMENT, THEY ARE HAND IN

HAND.

>> EXEMPTS AND REQUIRES
REGISTRATION.

>> BUT TOGETHER, EXACTLY.
SINCE THAT'S A COMBINED THING
AND THEN THE VOTER WOULD SAY,
ALL RIGHT, WELL, WHO, IF THEY'RE
ASKED TO REQUIRE REGISTRATION,
WHO REGISTERS AND THE ANSWER IS
GIVEN IN THE SENTENCE, LAWFULLY
POSSESS, TO READ IT ANY OTHER
WAY IS BASICALLY TO CREATE A
PERPETUAL IMMUNITY FOR THE
WEAPON.

>> HERE IS THE PROBLEM THAT I
HAVE WITH YOUR ARGUMENT, THE
LANGUAGE THAT'S HERE, I REALLY
CAN'T -- GIVEN THE CONSTRAINTS
OF THE -- OF THE 75 WORDS AND
ALL THAT, IF THERE WERE A TRUE
GRANDFATHER PROVISION IN HERE
WHICH SAYS THAT WEAPONS THAT
WERE PROCESSED PRIOR WERE GOING
TO BE COVERED BY THIS
PROHIBITION, THEY AREN'T GOING
TO BE SUBJECT TO CONFISCATION
DOWN THE ROAD, I CAN'T REALLY
THINK OF MUCH MORE DIRECT WAY OF
STATING SUCH A REAL GRANDFATHER
PROVISION THAN IS RIGHT HERE.
THAT'S WHY, I MEAN, IT SEEMS
LIKE THAT'S WHAT IT'S TALKING
ABOUT, BUT WE KNOW THAT THAT'S
NOT WHAT YOU'RE DOING, RIGHT?

>> WELL, FIRST OF ALL, THE WORD
GRANDFATHER DOESN'T APPEAR
ANYWHERE?

>> I UNDERSTAND.
THAT'S A COLLOQUIAL EXPRESSION.

>> OKAY, THE IDEA THAT THIS
PERPETUALLY EXEMPTS DOES NOT
APPEAR IN THE LANGUAGE AND
READING THE INTERPRETATION AND
REGISTERED BY THAT PERSON --

>> WAIT, WHERE IS THAT PERSON IN
THE BALLOT SUMMARY, IT SAYS
EXEMPT AND REQUIRES REGISTRATION
OF ASSAULT WEAPONS?

>> IT THEN SAYS LAWFULLY
POSSESS.

WHEN YOU'RE REGISTERING
SOMETHING IT CAN'T REGISTER
ITSELF.

>> IT'S CONNECTED WITH PRIOR TO
PROVISION'S DATE, IT'S A TIMING.

>> YES, TO REQUIRE REGISTRATION
TO REGISTER --

>> OBVIOUSLY THE PERSON THAT HAS
IT AT THE TIME THAT THIS COMES
INTO EFFECT IS THE ONE THAT HAS
TO REGISTER IT.

>> EXACTLY.
THAT'S OBVIOUS.

>> OKAY.

>> IT CAN'T REGISTER ITSELF.
NOW TO READ IT THE OTHER WAY
MEANS ONCE IT'S REGISTERED THAT
WEAPON HAS A PERPETUAL SUPER
IMMUNITY, SOMEONE STEALS IT,
THEY CAN POSSESS IT, IF SOMEONE
FINDS IT THEY CAN POSSESS IT,
THAT'S NOT A LOGICAL
INTERPRETATION OF THAT LANGUAGE
THAT CREATES PERPETUAL IMMUNITY.

>> DOESN'T SAY TEMPORARILY
EXEMPT.

I MEAN, TYPICALLY IF IT SAYS
EXEMPT IT MEANS EXEMPTS AND
WITHOUT LIMITATION.

>> AND YOUR HONOR, IF IT JUST
SAID EXEMPT I THINK THE ARGUMENT
WOULD BE VERY STRONG, IT DOESN'T
JUST SAY EXEMPTS, EXEMPTS AND
REQUIRES REGISTRATION WHICH THEN
THE VOTER WOULD SAY, ALL RIGHT,
HOW DOES THE REGISTRATION
PROCESS WORKS AND THEY HAVE TO
LOOK AT THE TEXT TO HAVE
AMENDMENT WHICH IS BY THE WAY,
THAT SECTION IS 153 WORDS, WE
ONLY HAVE 75, WE COULDN'T PUT
ALL THAT IN THERE, THERE HAS TO
BE SOME BURDEN ON THE VOTER TO
LOOK AT THE ACTUAL LANGUAGE.

>> IF -- IF THE LANGUAGE OF THE
BALLOT SUMMARY WERE THE LANGUAGE
OF THE TEXT, OF THE
CONSTITUTIONAL PROVISION, IT
WOULD CREATE A GRANDFATHER
PROVISION THAT WOULD ALLOW

ANYONE TO LAWFULLY POSSESS A WEAPON THAT WAS -- THAT WAS REGISTERED, RIGHT?

>> IT WOULD BE 228 WORDS, SO --

>> NO, I'M SAYING, IF -- IF THE SENTENCE THAT WAS IN THE BALLOT SUMMARY WERE IN THE TEXT IT WOULD CREATE A TRUE GRANDFATHER PROVISION THAT THAT WEAPON CAN CONTINUE TO BE OWNED OR POSSESS AND PASSED DOWN AND THE TEXT SAYS IT EXEMPTS PERSONS INSTEAD OF WEAPONS, THE TEXT SUMMARY DOES SOMETHING DIFFERENT THAN BALLOT SUMMARY, I DON'T SEE HOW THAT'S --

>> IF THE LANGUAGE WAS IN THE EX-THAT WOULD BE AMBIGUOUS AND WOULD HAVE TO BE INTERPRETED BY A COURT AFTERWARDS BUT AMBIGUITY IN THE TEXT IS NOT.

BEYOND THAT YOU ALSO HAVE --

>> COUNSEL, WE HAVE RUN YOU WAY OVER BUT I WILL GIVE YOU ANOTHER 30 SECONDS TO SUM UP.

>> YOU NEED TO READ THE SENTENCE IN CONJUNCTION WITH THE ENTIRE SUMMARY, EXEMPTION FROM A PROHIBITION ON POSSESSION WHICH GOES TO A PERSON.

>> WELL, NO, BUT THE FIRST SENTENCE TALKS ABOUT POSSESSION OF WHAT, NOT WHO AND THE SENTENCE THAT YOU'VE KEEP BEING ASKED ABOUT RELATES TO POSSESSION OF WHAT, YOU KNOW, AND SO I DON'T THINK THE CONTEXT HELPS YOU.

>> WELL, WHEN IT SAYS EXEMPTS EVEN IF YOU DON'T LOOK AT THE REQUIRED REGISTRATION, EXEMPTS, EXEMPTS FROM WHAT, AN EXEMPTION FROM A PROHIBITION ON A PERSON POSSESSING SO STILL HAS TO RELATE TO A PERSON AT SOME POINT AND I DO -- IN CLOSING, I WOULD LIKE TO MENTION THAT THE COURT, IT NEED TO BE CLEARLY AND CONCLUSIVELY DEFECTIVE BECAUSE THERE'S SOME ISSUES DOES NOT

MAKE IT CLEARLY AND CONCLUSIVELY DEFECTIVE.
THANK YOU.

>> I WANT TO GO BACK TO THE EXEMPTION VERY QUICKLY AND JUST ADDRESS ONE VERY SPECIFIC POINT WHICH IS ONE OF MY COLLEAGUES MENTIONED WHAT HE THOUGHT WOULD BE ABSURD RESULT WHICH IS THE SORT OF LOOPHOLE WHERE A VOTER CAN GO BUY A BUNCH OF WEAPONS BUT I THINK THERE ARE VERY IMPORTANT POINTS SUBTLE ABOUT THAT THAT VOTERS WILL NOT ASSUME IT'S ABSURD RESULT, ONE IS THE 30-DAY LOOPHOLE IS BAKED IN, IT'S SOMETHING THAT THE SPONSORS HAVE CREATED, REGARDLESS OF THE EXTENT OF THE EXEMPTION SOMEBODY CAN RUN OUT IN THE 30-DAY WINDOW AND BUY THOUSANDS OF THESE WEAPONS, TO THE EXTENT THAT'S ABSURD RESULT, THAT STRIKES ME AS ABSURD RESULT IN EITHER CASE. MORE IMPORTANTLY THE REASON ABSURD RESULT EXIST BECAUSE OF 30-DAY WINDOW, THEIR ABSURD RESULTS ARGUMENT HINGING ON THE IDEA THAT THE VOTERS WILL UNDERSTAND THAT THERE'S THE 30-DAY GAP THAT CREATES ABSURD RESULT, THAT 30-DAY LANGUAGE IS NOT IN BALLOT SUMMARY, THE VOTERS ARE TOLD THAT THEY HAVE TO POSSESS IT PRIOR TO THE EFFECTIVE DATE BUT THE VOTERS ARE NOT ON NOTICE THAT THERE'S 30 DAYS BETWEEN IT'S PASSED AND WHEN THE EFFECTIVE DATE IS, THE ENTIRE PREMISE THAT ABSURD RESULTS ARGUMENT IMPUTES TO THE VOTER KNOWLEDGE OF 30-DAY WINDOW THAT THE VOTERS ARE NOT TOLD ABOUT AND THEN JUST VERY QUICKLY I WOULD LIKE TO DISCUSS TO JUSTICE MU-IZ, IT'S PARTICULARLY BASED ON THE CONTEXT, I HAVE LIMITED TIME BUT 3 WORDS I WANT TO EMPHASIZE, SO WHEN IT SAYS IN A FIXED OR DETACHABLE MAGAZINE

OR AMMUNITION FEEDING DEVICE, WE THINK THE KEYWORDS, IN, A, THE INDEFINITE ARTICLE AND ANY OTHER, SO THE WORD IN SHOWS THAT THE FOCUS IS NOT ON WHAT THE GUN CAN HOLD BY ITSELF, THE FOCUS IN A FIXED OR DETACHABLE MAGAZINE, THE QUESTION IS GUN CAN IN SOME WAY INTERACT WITH SUCH A MAGAZINE AND THE WORD A AND ANY OTHER EXPRESS THAT IT'S NOT JUST THE STANDARD MAGAZINE OR THE MAGAZINE BEING USED, IT'S WHETHER THERE'S SOME MAGAZINE OUT THERE IN EXISTENCE OR SOME OTHER DEVICE THAT WOULD WORK WITH THE FIREARM.

>> BUT THAT LANGUAGE IS IN THE BALLOT SUMMARY, THE VOTERS WERE TOLD EXACTLY WHAT THAT LANGUAGE IS, SO IF IT'S UNAMBIGUOUS AS YOU ARGUE IT IS, THEN THEY ARE TOLD UNAMBIGUOUSLY WHAT THE SUBSTANCE OF THE PROPOSAL DOES IN THAT REGARD, CORRECT?

>> THAT'S RIGHT, YOUR HONOR, OUR ARGUMENT HINGES ON THE IDEA THAT THIS IS UNAMBIGUOUS IN THE LEGAL SENSE AND VOTERS WILL UNDERSTAND IT AND I CAN SEE AMOUNT OF TIME, WE ASK THAT THE COURT FIND THAT THE BALLOT SUMMARY IS DEFICIENT, THANK YOU.

>> BRIEFLY I WOULD LIKE TO RESPOND VERY QUICKLY TO THE POLITICAL RHETORIC ARGUMENT, IT'S NOT THAT THE LANGUAGE EVOKES AN EMOTIONAL RESPONSE, IT'S THAT THE LANGUAGE MISLEADS THE VOTERS IN THE VISIONS THAT IT DRAWS UP, A LOT OF VOTERS MAY BE PERFECTLY COMFORTABLE WITH MILITARY-GRADE WEAPONS.

>> NO, BUT IF IT SAYS ASSAULT WEAPON DEFINED, IT IS WHAT IT IS, I DON'T UNDERSTAND THAT ARGUMENT.

>> THERE'S A DIFFERENCE BETWEEN WHAT A LEGISLATURE CAN DO AND ITS LAW MAKING AND WHAT THE

CITIZENS CAN DO, THE COURTS HAVE DRAWN THAT DISTINCTION.

HERE WHAT IS HAPPENING IS TO GIVE YOU --

>> SO YOU'RE BASICALLY TELLING US THAT EITHER -- EITHER THAT YOU CAN'T WRITE CERTAIN TYPES OF WORDS INTO THE CONSTITUTION OR IF YOU CAN, YOU CAN'T USE THEM IN THE BALLOT SUMMARY AND I DON'T UNDERSTAND WHAT THE SOURCE OF THAT KIND OF A PROVISION WOULD BE, WHAT -- WHAT'S YOUR AUTHORITY FOR SAYING THAT?

>> WELL, THE AUTHORITY I BELIEVE DRAWS DIRECTLY FROM 101.161.

>> 101.161 IS MEANS TO AN END OF PRESENTING THINGS TO THE PEOPLE, IT CAN'T BE USED AS A BACK DOORWAY OF LIMITING WHAT PEOPLE CAN PUT IN THE CONSTITUTION, DO YOU AGREE WITH THAT?

>> I DO, HOWEVER, TO THE EXTENT THE PRIOR DECISIONS OF THIS COURT, WHEN YOU LOOK AT SAVE OUR EVERGLADES, THAT WAS ONE OF THOSE WHERE THE COURT SAID THAT WAS IMPERMISSIBLE, THE COURT STRUCK IT FROM THE BALLOT, A FEW YEARS LEGISLATURE ENACTED SAVE OUR GLADES TRUST FUND, THERE'S A DIFFERENCE DISCRETION GIVEN TO LEGISLATURE AND THE PROVINCE OF A CITIZEN'S PETITION WHERE THEY ARE RESTRICTED TO NEUTRAL TERMS, HERE THEY ARE NOT USING NEUTRAL TERMS, THEY ARE USING TERMS LIKE ASSAULT WEAPONS THAT INDISPUTABLY CONNOTE OTHER THINGS, AMBIGUOUS THINGS, THEY REFERENCE SEVERAL STATES THAT HAVE VARYING DEFINITIONS, THEY REFERENCE MULTIPLE DICTIONARIES, ALL OF THEM DOING SOMETHING A LITTLE DIFFERENT, BUT IN THE VOTERS' MIND THEY ARE TO GUESS WHICH WASN'T IS IT.

>> ACTUALLY NOT BECAUSE DEFINITION IS WRITTEN IN BALLOT SUMMARY.

>> IT IS BUT IT CONFLICTS WITH WHAT THAT IMAGE OF AN ASSAULT WEAPON IS.

>> SO NOW IN OUR CASE WE ARE SUPPOSED TO NOT ONLY LOOK AT THE WORDS ON THE BALLOT -- THAT ARE WRITTEN IN THE BALLOT SUMMARY BUT WE ARE SUPPOSED TO GUESS AT WHAT A VOTER WOULD THINK THAT THE WORDS MEAN NOT WITHSTANDING WHAT'S WRITTEN ON THE PAGE AND INVALIDATE THINGS THAT ARE INCONSISTENT WITH WHAT WE THINK A VOTER WOULD THINK THE WORDS MEAN IN THEIR MIND THAT'S DIFFERENT FROM WHAT'S ON THE PAGE?

>> I THINK YOU COULD USE REASONABLE JUDGMENT IN MAKING THOSE CALLS AND I DON'T THINK THIS IS A CLOSE CALL.

TO ADDRESS ONE OF THE POINTS THAT THE SPONSOR MADE, THE CONSTITUTIONAL RIGHT, THIS COURT AND RINZLER FOUND IT TO BE EXISTING IN CONSTITUTION TO MAINTAIN SEMIAUTOMATIC WEAPONS FOR PERSONAL PROTECTION FOR HUNTING AND FOR PROTECTION OF PROPERTY.

I WOULD CITE THE COURT TO THE ADVISORY OPINION RELATED TO THE RIGHT OF CITIZENS TO CHOOSE HEALTHCARE PROVIDERS IN THAT THEY SAID IT IS IMPERATIVE THAT PETITION IDENTIFIES PROVISIONS OF CONSTITUTION SUBSTANTIALLY AFFECTED, HERE WHAT THEY ARE DOING IS THEY ARE SIGNIFICANTLY ROLLING BACK A RIGHT AND THEY ARE OBLIGATED TO LET THE VOTERS KNOW THAT THIS IS SOMETHING THAT THEY'RE TAKING AWAY FROM THEM. AND FINALLY GOING TO THE IDEA THAT THE BALLOT SUMMARY SHOULD BE READ IN THE WHOLE TEXT ADDRESSING THAT LAST EXEMPTION, IF YOU LOOK AT THE IMMEDIATELY PROCEEDING SENTENCE, IT SAYS EXEMPTS MILITARY AND LAW

ENFORCEMENT PERSONNEL IN THEIR
OFFICIAL DUTIES.
THEY KNOW HOW TO EXEMPT PEOPLE,
HERE THEY ARE JUST EXEMPTING THE
GUN, OF COURSE, A GUN HAS TO BE
POSSESSED BY SOMEBODY, BUT
THEY'RE EXEMPTING THE GUN AND IT
IS NOT UNREASONABLE THING TO
THINK THAT THEY ARE GOING TO
GRANDFATHER A STATIC CLASS AN
TAKE INCREMENTAL APPROACHES TO
HOW THEY ARE GOING TO START
IMPLEMENTING GUN CONTROL AGENDA,
LOTS OF CITIZEN PETITIONS, THEY
DON'T GO FOR THE WHOLE APPLE,
THEY TAKE A LITTLE BITE, THIS IS
A REASONABLE READING FOR THIS
APPROACH AND FOR THOSE REASONS
WE WOULD REQUEST THAT THE COURT
STRIKE THE AMENDMENT FROM THE
BALLOT, THANK YOU.
>> WE THANK YOU ALL FOR YOUR
ARGUMENTS AND THAT CONCLUDES
THIS SESSION OF COURT, COURT IS
IN RECESS.