

>> ALL RISE.

HEAR YE, HEAR YE, HEAR YE, THE SUPREME COURT OF FLORIDA IS NOW IN SESSION, ALL WHO HAVE CAUSE TO PLEAD, DRAW NEAR, GIVE ATTENTION AND YOU SHALL BE HEARD.

GOD SAVE THESE UNITED STATES, THE GREAT STATE OF FLORIDA AND THIS HONORABLE COURT.

>> THE SUPREME COURT OF FLORIDA, PLEASE BE SEATED.

>> GOOD MORNING AND WELCOME TO THE FLORIDA SUPREME COURT. THE FIRST CASE ON THE DOCKET TODAY, TO THE ATTORNEY GENERAL, TO ALL LEADERS VOTE IN PRIMARY ELECTIONS FOR STATE LEGISLATURE, GOVERNOR AND CABINET.

>> MISTER CHIEF JUSTICE AND MAY IT PLEASE THE COURT.

WE ARE HERE FOR AN ADVISORY OPINION TO THE ATTORNEY GENERAL REGARDING THE CITIZEN INITIATIVE AND TITLE ALL VOTERS VOTE IN PRIMARY ELECTIONS.

HE WILL HEAR FIRST FROM THREE OPPONENTS OF BALLOT PLACEMENT BEGINNING ON BEHALF OF THE ATTORNEY GENERAL, MYSELF, AND COUNSEL FOR THE REPUBLICAN PARTY OF FLORIDA TO MISTER BENJAMIN GIBSON AND COUNSEL FOR THE FLORIDA DEMOCRATIC PARTY, MISTER ROB MCNEELY FOLLOWED BY COUNSEL FOR THE SPONSOR, SUPPORTING BALLOT PLACEMENT AND COLLECTIVELY THE OPPONENTS WILL TRY TO RESERVE TIME FOR REBUTTAL.

THE PROPOSED AMENDMENT OF ADOPTED BY VOTERS WOULD ALTER THE WAY FLORIDA PRIMARY ELECTIONS PROCEED AND THE BALANCE SUMMARY VIOLATES SECTION 101.161 BECAUSE IT DOES NOT ARTICLE YOUR PRIZE VOTERS OF THOSE SUBSTANTIAL CHANGES.

>> CAN I ASK YOU ABOUT THAT? IT SEEMS OUR CASE LAW STARTING

FROM WHEN THE STATUTE WAS FIRST ADOPTED KIND OF BYPASSED ANY EFFORT TO DEFINE THE TERM CHIEF PURPOSE AND INSTEAD WE WENT INTO THIS MORE ABSTRACT NOTION OF WHAT IS THE OVERALL EFFECT, WHAT DO VOTERS NEED TO KNOW TO BE WELL-INFORMED SO IF WE WERE TO GO BACK TO BASICS AND DEFINE THE TERM CHIEF PURPOSE, HOW IS ONE SUPPOSED TO KNOW WHAT THE CHIEF PURPOSE IS OR WHAT DOES THAT TERM MEAN?

>> AN EXPLANATORY STATEMENT OF THE CHIEF PURPOSE WOULD BE A STATEMENT THAT EXPLAINS THE CORE FUNCTIONS OF WHAT THE PROPOSED AMENDMENT WOULD DO AND I DON'T KNOW THAT I COULD GIVE YOU AN ANSWER THAT IS ANY MORE SPECIFIC THAN THAT BUT WHAT WOULD BE A CORE FUNCTION OF THE AMENDMENT WOULD DEPEND ON WHAT THE TEXT OF THE AMENDMENT IS.

>> DOESN'T THAT SORT OF TAKE YOU AWAY FROM HAVING TO DESCRIBE THESE AFFECTS?

AND A LOT OF THESE CASES THE DEBATE COMES DOWN TO HOW MUCH DO YOU HAVE TO DESCRIBE WHAT THE CONSEQUENCES WILL BE OR WHAT IS THE STATUS QUO YOU ARE CHANGING, ETC.?

IF CHIEF PURPOSE MEANS THE CORE FUNCTION OF THE ACTUAL PROPOSAL ITSELF, DOESN'T THAT TAKE YOU AWAY FROM THAT OTHER STUFF? ENDS UP BEING WHAT WE MOSTLY ARGUED ABOUT IN THESE CASES.

>> YOUR CASE LAW TALKS ABOUT DESCRIBING SIGNIFICANT LEGAL EFFECT AND IT IS TWO SIDES OF THE SAME COIN.

IT IS A SUBSTANTIAL LEGAL EFFECT OF THE AMENDMENT.

>> WHAT IS THE SECOND SENTENCE OF THE BALANCE SUMMARY DO THAT? IT SEEMS TO ME WHEN I READ ALL CANDIDATES IN OPPOSITE CLEANING PARTY NOMINATED CANDIDATES

APPEAR ON THE SAME PRIMARY
BALLOT, THAT IS SIGNALING A
DRAMATIC CHANGE AND I DON'T
UNDERSTAND WHY THAT IS NOT
SUFFICIENT TO POINT VOTERS TO
WHAT IS HAPPENING HERE?

>> THERE ARE A NUMBER OF
PROBLEMS WITH THAT SENTENCE.
MY FRIENDS WILL GET INTO SOME OF
THAT INCLUDING THE FACT THAT
THAT PHRASE INCLUDING PARTY
NOMINATED CANDIDATES IS IN
ITSELF MISLEADING BECAUSE IN
POINT OF FACTS, AT LEAST AS THE
TERM PARTY NOMINATED CANDIDATES
IS TYPICALLY UNDERSTOOD BY
VOTERS, THERE WILL BE NO PARTY
NOMINATED CANDIDATES AFTER THE
PROPOSED AMENDMENT AND THE
BALLOT SUMMARY TELLS VOTERS.

>> THE PROPOSED AMENDMENT
AUTHORIZES THE PARTIES, IT SAYS
NOTHING IN THIS SUBSECTION SHALL
PROHIBIT A PARTY FROM ENDORSING
OR OTHERWISE SUPPORTING A
CANDIDATE AS PROVIDED BY LAW AND
NOTHING SHALL PROHIBIT A
POLITICAL PARTY FROM NOMINATING
A CANDIDATE TO RUN FOR OFFICE
UNDER THIS SUBSECTION.

>> THAT TERM NOMINATE IS A
SPECIFIC TERM OF ART IN MODERN
ELECTION CODE LAW AND IT MEANS A
PARTY NOMINATED CANDIDATE IS
THAT PARTY'S OR REPRESENTATIVE
ON THE BALLOT.

>> THIS IS AN AMENDMENT OF THE
CONSTITUTION WHICH IS CHANGING
THE STRUCTURE.

>> THE PROBLEM, IF THE PROPOSED
AMENDMENT AND SPONSORS WANT TO
RADICALLY REDEFINE THESE TERMS
THEY HAVE TO DO SO IN A WAY THAT
THE BALLOT SUMMARY ENCAPSULATES
AND WARNS VOTERS AND THAT IS THE
PROBLEM.

THE ISSUE WE IDENTIFIED AND I
WOULD LIKE TO SPEND BRIEF TIME
TODAY ON, THE PROPOSED AMENDMENT
WOULD ELIMINATE IMPORTANT RIGHTS

POSSESSED NOT ONLY BY INDIVIDUAL VOTERS OR MEMBERS OF A PARTY BUT ALSO BY THE PARTIES THEMSELVES AND THE BALLOT SUMMARY DOES NOT SURPRISE VOTERS OF THE FACT THAT THOSE RIGHTS WILL BE TAKEN AWAY. I WANT TO DISCUSS THOSE RIGHTS AND EXPLAIN WHY THAT MATTERS. VOTERS UNDER CURRENT LAW IF THEY WERE A REGISTERED MEMBER OF THE PARTY HAVE A RIGHT TO CAST A DIRECT VOTE IN SUPPORT OF THEIR PREPARED NONHUMAN -- PARTY NOMINEE.

THAT IS ENTIRELY A CREATURE OF STATUTES WHICH GIVE THEM THAT RIGHT.

PARTIES HAVE A CORRESPONDING RIGHT TO A STATE-SPONSORED ELECTION PROCESS EFFECTIVELY A STATE-SPONSORED APPARATUS THAT ALLOWS THEM TO FACILITATE THE DIRECT VOTE FOR ALL THEIR PARTIES.

IF THAT WOULD IS TAKEN AWAY AND IF THE BALLOT SUMMARY IS ACCURATE WHEN IT SAYS THERE ARE PARTY NOMINATIONS, THAT WILL NECESSARILY BE DONE AS A PRACTICAL MATTER IN A WAY THAT DOES NOT ENFRANCHISE UNDER CURRENT LAW DOES NOT ENFRANCHISE THE AVERAGE EVERY DAY VOTED TO CAST A VOTE FOR THE PARTY'S NOMINEE.

>> IT SEEMS LIKE THAT IS AN IMPORTANT PART OF THE ARGUMENT HERE.

I WONDER WHAT YOUR POSITION IS. DO YOU READ THE AMENDMENT HAS TAKING AWAY THE AUTHORITY OF THE LEGISLATURE TO HAVE A STATE-SPONSORED ELECTION FOR THE NOMINATION OF CANDIDATES. THE LEGISLATURE IF THIS THING WERE TO BECOME LAW COULD THE LEGISLATURE ALL OUT FOR A STATE-SPONSORED ELECTION TO NOMINATE CANDIDATES THAT WOULD OCCUR BEFORE THE ALL VOTERS VOTE

PRIMARY?

IS THAT PROHIBITED?

>> I DON'T THINK THE AMENDMENT IS EXPRESSLY PROHIBITS THAT BUT IT WOULD ABOLISH THE PRIMARY ELECTION SYSTEM THAT IS THE STATE-SPONSORED MECHANISM.

>> DOESN'T YOUR ARGUMENT DEPEND ON IF IT DOESN'T PROHIBIT IT, AND I THINK IT MIGHT AND I AM CURIOUS TO HEAR WHAT THE SPONSOR SAYS ABOUT THAT BUT IF IT DOESN'T PROHIBIT IT, WOULDN'T WE HAVE TO SPECULATE ABOUT WHAT THE LEGISLATURE WOULD OR WOULDN'T DO TO GO ALONG WITH WHAT YOU ARE SAYING?

>> OUR POINT IS A SPECIFIC ONE WHICH IS UNDER THE FLORIDA ELECTION CODE THERE ARE GUARANTEED RIGHTS OF INDIVIDUAL MEMBERS OF THE PARTY AND THE PARTY ITSELF FOR EVERY REGISTERED VOTER WHO IS A MEMBER OF THE PARTY TO CAST THE VOTE IN SUPPORT OF THEIR PREPARED CANDIDATE.

THAT GUARANTEED RIGHT WILL BE TAKEN AWAY.

THE LEGISLATURE MAY HAVE A WAY TO EFFECTUATE PRE-PRIMARY PROCESS BUT THAT DOESN'T EXIST CURRENTLY, WOULDN'T EXIST IF THE PROPOSED AMENDMENTS WERE TO PASS.

IT EXISTS NOW BY VIRTUE OF SECTIONS 100.061 AND 101.21.

>> YOU USED UP ALL YOUR TIME AND ANOTHER MINUTE.

I WILL GIVE YOU YOUR MINUTE FOR REBUTTAL.

>> OR EQUIVALENT TIME TO THE UPSIDE.

>> BENJAMIN GIBSON ON BEHALF OF THE REPUBLICAN PARTY OF FLORIDA. AS A PARTY OF 4.7 MILLION REPUBLICAN VOTERS, WE HAVE OPPOSITION TO THE PROPOSED AMENDMENT.

AS STATED EARLIER THE BALLOT

TITLE AND SUMMARY ARE AFFIRMATIVELY MISLEADING AND DO NOT CLEARLY AND UNAMBIGUOUSLY FORM THE VOTER OF THE AMENDMENT'S CHIEF PURPOSE. TALKING ABOUT PARTY NOMINATED, INCLUDING PARTY NOMINATED. THE REASON THIS IS SO MISLEADING, THE REASON THEY ARE ASKING TO PROVIDE BALLOT PLACEMENT IS BECAUSE THE TEXT OF THE SUMMARY DIFFERS FROM THE TEXT OF THE ACTUAL AMENDMENT. IF YOU LOOK AT, THIS IS SOMETHING THIS COURT HAS WARNED AGAINST. IF YOU LOOK AT THE TEXT OF THE AMENDMENT, IT USES CLEAR LANGUAGE. ALL CANDIDATES QUALIFYING FOR ELECTION TO THE OFFICE SHALL BE PLACED ON THE SAME BALLOT IF YOU GO TO THE SUMMARY IT USES DIFFERENT WORDS. IT SAYS ALL CANDIDATES IN OFFICE AND INSERTS THE WORD AND THAT PHRASE INCLUDING PARTY NOMINATED CANDIDATES APPEAR ON THE SAME BALLOT SO THE SUMMARY LANGUAGE IS MISLEADING VOTERS INTO BELIEVING PARTIES HAVE THE ABILITY TO NOMINATE A CANDIDATE OF THEIR CHOICE. A SOUL CANDIDATE THAT WILL APPEAR ON THE BALLOT AND BE THE PARTY NOMINEE. >> THEY GET THE IDEA, THE SOLE PARTY CANDIDATE OF A PARTICULAR PARTY. IT SAYS ALL CANDIDATES WERE IN OFFICE INCLUDING CANDIDATES? >> THE TERM PARTY NOMINATED CANDIDATES THE SPONSOR WILL ARGUE IT IS NOT A LEGAL TERM OF ART BUT IF YOU LOOK THROUGH THE FLORIDA ELECTION CODE AND THE COMMON UNDERSTANDING OF WHAT A PARTY NOMINATION IS, PRIMARY ELECTION IS DEFINED IN FLORIDA LAW AS AN ELECTION PRECEDING THE

GENERAL ELECTION FOR THE SOLE PURPOSE OF PRODUCING A PARTY NOMINEE SO HERE YOU DON'T HAVE JUST ONE PARTY NOMINEE.

CAN THE LEGISLATURE CREATE A SEPARATE PROCESS PRIOR TO THIS NEW JUNGLE PRIMARY?

THEY COULD BUT WHOEVER IS ON THE BALLOT IS NOT GOING TO BE A TRUE PARTY NOMINEE AS PARTIES UNDERSTAND IT TODAY.

>> ONE OF THE THINGS I AM STRUGGLING WITH IS A BASIC UNDERSTANDING OF HOW WE DO THINGS IN FLORIDA AND IF YOU ACTUALLY VOTE YOU DO.

IF YOU READ THE SUMMARY AND GIVE IT A FEW SECONDS OF THOUGHT YOU WILL REALIZE THE IMPLICATIONS OF IT, IT SEEMS TO ME.

I AM STRUGGLING AS TO WHY THAT IS NOT TRUE.

IT EXPLAINS WHAT IT DOES ACCURATELY.

THE SUMMARY EXPLAINS WHAT THE PROPOSED TAX DOES ACCURATELY. THE IMPLICATIONS SHOULD BE CLEAR TO ANYBODY WHO HAS BASIC KNOWLEDGE OF THE WAY THEY VOTE NOW.

>> IF YOU LOOK AT OUR REPLY BRIEF ON PAGE 8 WE HAVE AN EXAMPLE, A VISUAL EXAMPLE OF WHAT IT LOOKS LIKE, A HYPOTHETICAL BALLOT FOR THE GUBERNATORIAL ELECTION. WHAT IT WOULD LOOK LIKE UNDER THE WORDS OF THE SUMMARY WHERE IT SAYS A PARTY NOMINATED CANDIDATE WILL APPEAR AND WHAT IT LOOKS LIKE ON THE TEXT OF THE AMENDMENT.

ON ONE YOU HAVE THE SUMMARY WHICH LOOKS LIKE THE GENERAL ELECTION BALLOT, ONE PARTY NOMINATED CANDIDATE FROM THE DEMOCRATIC PARTY, MPA CANDIDATES, WRITE IN CANDIDATE, LOOK AT THE TEXT OF THE AMENDMENT, ALL QUALIFYING

CANDIDATES, ALL QUALIFYING CANDIDATES MEANS ANYBODY CAN DO IT AND WHAT THE AMENDMENT DOES WITHOUT INFORMING THE VOTER IN THE SUMMARY EQUALLY TO PARTY NOMINATION WITH A PARTY ENDORSEMENT, THOSE ARE NOT THE SAME.

THE SOLE PERSON ON THE BALLOT TO GUARD THE ELECTORAL SUPPORT FOR THE ENTIRE PARTY.

NOW MAYBE IF THE AMENDMENT IS SELF-EXECUTING, WE DON'T KNOW IF THE LEGISLATURE WILL DO ANYTHING, THE LEGISLATURE DOES INDICATE ON THE BALLOT, IT IS THE PARTY NOMINEE.

THERE ARE STILL OTHER CANDIDATES FROM THAT POLITICAL PARTY ON THE BALLOT AND THAT IS FINE.

THIS COURT'S ROLE IS NOT TO JUDGE MERITS OF THE PROPOSED AMENDMENT, AND UNDER THE TEXT OF THE PROPOSAL THAT DOES NOT PREVENT THE LEGISLATURE, THE ONLY CANDIDATE WHOSE PARTY AFFILIATION COULD BE ON THE BALLOT, THEY WERE NOMINATED BY THE PARTY.

IT DOESN'T REQUIRE EVERYBODY'S PARTY AFFILIATION BE LISTED.

YOU CAN IMAGINE A BALLOT THE JUST HAD FOR THE NOMINEES, THEY HAVE THEIR NAME ON THEIR.

>> PARTY AFFILIATION IS A BROAD TERM THAT COULD ENCOMPASS NOMINATION.

>> IN TERMS OF WHAT COULD APPEAR ON THE BALLOT.

>> THIS IS THE PARTY NOMINEE BUT THE KEY, THE AMENDMENT IS REDEFINING WHAT HAS BEEN IN PLACE OVER A CENTURY IN THE STATE OF WHAT THE PARTY NOMINEE IS.

PRIMARY ELECTIONS WERE RECOGNIZED GOING BACK TO 1913 WHEN COMPULSORY PRIMARIES CAME INTO BEING.

>> IT REDEFINES HOW THE PARTY

WILL NOMINATE ITS CANDIDATE.
SUBSECTION 4, SAYS NOTHING IN
THE SUBSECTION SHOPPER BUT A
POLITICAL PARTY FROM NOMINATING
A CANDIDATE RUN FOR OFFICE IN
THIS SUBSECTION.

THE ACTUAL TEXT OF THE AMENDMENT
ANTICIPATES THE OPPORTUNITY
CONTINUING TO NOMINATE A
CANDIDATE IN SOME FASHION.

>> IT IS QUITE A PARTY
NOMINATION TO A PARTY
ENDORSEMENT.

>> IT CONTINUES ON AND NOTHING
IN THE SUBSECTION SHALL PROHIBIT
A PARTY FROM ENDORSING OR
OTHERWISE SUPPORTING A CANDIDATE
AS PROVIDED BY LAW.

IT MAKES THE DISTINCTION IN THE
TEXT BETWEEN AN ENDORSEMENT OR
SUPPORTING AS COMPARED TO
NOMINATING A CANDIDATE.

YOUR POINT IS HOW THAT CANDIDATE
IS NOMINATED WITH THE
ILLUMINATED BY THE AMENDMENT.

>> LOOKING AT THE TEXT, WHAT THE
VOTER HAS WHEN THEY GO TO THE
VOTING BOOTH IS TITLE AND
SUMMARY, THE SUMMARY ITSELF BY
ANSWERING THE WORDS INCLUDES
PARTY NOMINATED CANDIDATES, THAT
IS MISLEADING.

WE ASK THE COURT FOR ALL THESE
REASONS FOR A VALVE REPLACEMENT.
THANK YOU.

>> MAY IT PLEASE THE COURT.
APPEARING THIS MORNING ON BEHALF
OF THE FLORIDA DEMOCRATIC PARTY.
THE PARTY OPPOSES THE AMENDMENT
BECAUSE IT IS MISLEADING AND
ENGAGES IN LOGROLLING.

PICKING UP ON THE CONVERSATION
ALREADY HEARD THIS MORNING WE
SUGGEST THIS ONE IS AKIN TO THE
CASE OF FIRESTONE, THE COURT
SAID THE PROBLEM WITH THE BALLOT
SUMMARY IS NOT WITH WHAT THE
SUMMARY SAYS BUT WITH WHAT IT
DOESN'T SAY.

NEITHER THE BALLOT TITLE MORE

THE SUMMARY SAY THE PROPOSED AMENDMENT ABOLISHES PARTY PRIMARIES, THEY DON'T SAY A CHANGE OF THE 106-YEAR-OLD STATUTORY DEFINITION OF PRIMARY ELECTIONS.

THEY DON'T SAY THE 9.7 MILLION REGISTERED VOTERS IN FLORIDA WHO HAVE CHOSEN A PARTY AFFILIATION, TO CHOOSE THE PARTY NOMINEE FOR THE GENERAL ELECTION AND IT DOESN'T SAY IF THE POLITICAL PARTY STILL WISH TO NOMINATE A CANDIDATE FOR THE NEW JUNGLE PRIMARY THEN THE PARTIES MUST DO SO THROUGH SOME UNKNOWN UNDEFINED UNDISCLOSED PROCESS THAT HAS NEVER BEEN USED SINCE 1913.

THE COURT'S JURISPRUDENCE ON BALLOT SUMMARIES STRESSES THAT SPONSORS MUST BE DEEPLY COMMITTED NOT TO GETTING THEIR INITIATIVE ON THE BALLOT, BUT TO NOT BEING MISLEADING IN THEIR BALLOT TITLE AND BALLOT SUMMARY. ALONG AS THEY ARE NOT LOGROLLING, IF THE SUMMARY IS ACCURATE AND OBJECTIVE AND NEUTRAL, THEN IT SHOULD GO ON THE BALLOT BUT THAT IS NOT THIS CASE.

THE PHRASE PARTY NOMINATED CANDIDATES CREATES A NUMBER OF PROBLEMS.

THE SPONSORS IN THE ANSWER BRIEF, THE PARTIES MUST NOMINATE CANDIDATES THROUGH A PRE-PRIMARY PROCESS THAT WILL HAPPEN PRIOR TO AND SEPARATE FROM THE NEW ALL VOTERS VOTE PRIMARY BUT NEITHER THE TITLE MORE THE SUMMARY DISCLOSED THAT.

THEY DON'T SAY THAT.

THERE IS NOTHING IN THE PROPOSED AMENDMENT ABOUT ITS IMPACT ON PRIMARIES.

HERE IS OUR CHIEF CONCERN.

>> HOW CAN YOU SAY THERE'S NOTHING IN THE SUMMARY ABOUT THE

IMPACT ON PRIMARIES WHEN IT DESCRIBES THIS NEW SYSTEM? IT SEEMS THE MOST YOU COULD SAY, UNDER OUR CASE LAW, IT DOESN'T EXPLAIN TO PEOPLE THE BACKGROUND CONTEXT THEY MIGHT NEED TO DEAL WITH UNDERSTANDING BUT IT TALKS ABOUT THE EFFECT ON PRIMARIES BECAUSE THAT IS WHAT THE WHOLE SUMMARY IS ABOUT.

>> THE DIFFICULTY IS, IN AN UNDEFINED WAY.

IN TAKING A TERM THAT HAS BEEN CONSISTENT SINCE 1913 THAT DESCRIBES PRIMARY ELECTIONS AS ONE WHERE PARTIES NOMINATE TO THE GENERAL ELECTION.

>> ISN'T IT TRUE THAT IN FLORIDA WE HAVE NONPARTISAN PRIMARIES? THAT IS PART OF THE BACKDROP, WE HAVE CITY ELECTION OF PRIMARIES, SCHOOL BOARD PRIMARIES, JUDICIAL PRIMARIES THAT ARE NONPARTISAN, IT IS ABOUT NOMINATING PARTY CANDIDATE SO THE IDEA THAT HE PRIMARY, A CONCEPT OF A PRIMARY IS EXCLUSIVELY FOR PARTISAN NOMINATIONS FLIES IN THE FACE OF THE ELECTION CODE.

>> I WOULD AGREE THERE ARE OTHER CONTESTS THAT USE THE PRIMARY ELECTION.

NOT FOR STATE LEGISLATURE, NOT FOR GOVERNOR, NOT FOR CABINET OR THREE TYPES OF RACES THAT ARE AT ISSUE HERE.

>> IF THIS PASSES FOR THE GUBERNATORIAL ELECTION, ALL CANDIDATES APPEAR ON THE PRIMARY BALLOT AND ALL VOTERS, REGISTERED VOTERS, ARE THEY TELLING VOTERS EXACTLY WHAT IS GOING TO HAPPEN?

>> INNOCENCE YES, BUT IN A SENSE DEFINITELY NOW.

>> BY APPLICATION I'M TELLING YOU WHAT IS GOING TO HAPPEN. IT IS NOT GOING TO BE THE WAY IT WAS BEFORE BECAUSE NOW EVERY CANDIDATE IS ON THE BALLOT AND

EVERYBODY VOTES.

>> THAT IS THE KEY WORD, BY IMPLICATION.

IF THEY ARE CHANGING 106-YEAR-OLD PROCESS FOR THESE RACES, BY IMPLICATION IS MISLEADING.

DOING IT IN A WAY THAT IS CONTRARY TO WHAT THE STATUTE SAYS WHEN IT DEFINES PRIMARY ELECTIONS IS MISLEADING.

DOING IT IN A WAY THAT DISENFRANCHISES RIGHT IN CANDIDATES, DISENFRANCHISES NO PARTY AFFILIATION IS MISLEADING AND THE PROPOSED AMENDMENT DOESN'T SAY ANYTHING ABOUT --

>> HOW DOES IT DISENFRANCHISE ANYBODY?

>> UNDER CURRENT LAW BOTH RIGHT IN CANDIDATES AND MPA CANDIDATES HAVE DIRECT GENERAL ELECTION ELIGIBILITY.

ONCE THEY QUALIFY, RIGHT IN CANDIDATES NAMES GO ON THE BALLOT, THEY GET A SPACE ON THE GENERAL ELECTION FOR A RIGHT IN. FOR MPA CANDIDATES ONCE THEY QUALIFY, PAY THEIR FEE --

>> THEY ARE OFFERED TO ENTER INTO THE PRIMARY.

>> BE THAT AS IT MAY IT SHOULD BE DISCLOSED AND IT DOESN'T SAY THAT.

>> IT IS BECAUSE IT SAYS EVERYBODY, ALL CANDIDATES GO ON THE PRIMARY BALLOT AND THE TWO HIGHEST VOTE GETTERS ADVANCE TO THE GENERAL ELECTION.

I CANNOT FOLLOW YOUR REASONING OF HOW THAT DISENFRANCHISES ANYONE.

>> WHEN YOU HAVE A CANDIDATE WHO CURRENTLY HAS STATUTORY ABILITY TO APPEAR ON A GENERAL ELECTION AND YOU HAVE A RIGHT IN CANDIDATE WHO HAS THE ABILITY, IF THE PROPOSED AMENDMENT IS CHANGING THAT AND DOESN'T MENTION THOSE CANDIDATES, SOME

VOTER --

>> THEY ARE INCLUDED IN THE TERM ALL CANDIDATES.

THAT IS ENCOMPASSING, ISN'T IT? ALL?

>> ALL CANDIDATES, THAT MEANS EVERYBODY WHO IS QUALIFIED FOR THE OFFICE BUT WHAT IS THE EFFECT OF THAT, THE EFFECT IS THESE CANDIDATES WHO HAVE THE GENERAL ELECTION ELIGIBILITY HAVE IT REMOVED.

THAT MAY BE MORE POLICY OR IT MAY NOT BUT IT IS NOT DISCLOSED.

>> DO YOU THINK 100-1161 ASSUMES THERE IS ONE OBJECTIVELY KNOWABLE CHIEF PURPOSE TO A PROPOSAL?

>> I DON'T THINK THERE IS ONE OBJECTIVELY KNOWN PURPOSE.

>> PART OF MY PROBLEM WITH THIS AREA OF THE LAW IS THERE IS SO MUCH SUBJECTIVITY AND GUIDANCE TO PEOPLE ON THE FRONT END AS TO WHAT THEY NEED TO DO SO HOW ARE WE SUPPOSED TO OBJECTIVELY APPLY THE TERM CHIEF PURPOSE?

>> I SEE MY TIME IS EXPIRED. I WOULD SUBMIT, SYNTHESIZING THE JURISPRUDENCE IN THIS AREA THAT THE CHIEF PURPOSE IS SOUGHT BY LOOKING AT WHAT SPONSORS SAY IT IS BUT THAT IS NOT POSITIVE. THEY LOOK AT WHAT THE SPONSORS SAY IT IS NOT JUST IN THEIR BRIEFS BUT ALSO IN THEIR ADVERTISING AND MARKETING. THE SPONSORS SAY THE CHIEF PURPOSE IS CONDUCTING PRIMARY ELECTIONS.

THE CHIEF PURPOSE OF THIS AMENDMENT, TO ABOLISH PRIMARIES FOR A MECHANISM TO IMPACT MORE MODERATE CANDIDATES.

THAT IS WHAT THE WEBSITE SAYS, WHAT THE LEGISLATURE SAYS THIS HAPPENS FOR THESE PRIMARY AMENDMENTS.

THERE IS NOTHING IN THE CASE LAW THAT SAYS YOU CAN'T LOOK AT ALL

THAT TO DETERMINE WHETHER CHIEF PURPOSE IS.

IT IS THE WHOLE UNIVERSE COMING IN TO FINANCE WHAT THE CORE PURPOSE IS IN THE CORE PURPOSE HERE IS TO ABOLISH PRIMARY ELECTIONS.

>> MAY IT PLEASE, ON BEHALF OF THE SPONSOR.

ALL VOTERS VOTE INC. AND IF NOTHING ELSE, ALL VOTERS VOTE UNITED FOR REPUBLICANS AND DEMOCRATS AND COMMON CAUSE FOR THE REPUBLIC AFTER ALL.

I'M HAPPY ABOUT THAT.

THE COMMON CAUSE THEY ARE UNITED IN HIS TO PERPETUATE A PRIMARY SYSTEM THE DISENFRANCHISES 3.7 MILLION REGISTERED FLORIDA VOTERS MERELY BECAUSE THEY HAVEN'T JOINED A POLITICAL PARTY.

>> COULD YOU ANSWER THE QUESTION ABOUT WHETHER THE SUBSTANCE OF THE AMENDMENT WOULD PROHIBIT THE LEGISLATURE FROM HAVING STATE-SPONSORED ELECTION TO PICK PARTY NOMINEES.

>> OF COURSE AND THE ANSWER IS NOTHING IN THE AMENDMENT PROHIBITS THE LEGISLATURE FROM DOING THAT.

>> WHAT ABOUT THE SENTENCE THAT SAYS A SINGLE PRIMARY ELECTION SHALL BE HELD FOR EACH OFFICE?

>> WHAT EVER PROCESS IS DEvised BY THE LEGISLATURES AND PARTIES THEY CAN CALL IT WHATEVER THEY WANT AND THE NET EFFECT IS ANY CANDIDATE NOMINATED FROM THAT PROCESS WOULD HAVE TO RUN THROUGH THE ALL VOTERS VOTE PRIMARY, WE ARE NOT HERE TO DETERMINE WHAT POSSIBLE EFFECTS MIGHT BE DOWN THE ROAD.

>> TO KNOW IF IT IS A VALID SUMMARY, WHAT THE PROPOSAL ITSELF MEANS AND IT SEEMS IF -- IF YOU'RE GOING TO TAKE AWAY AN AUTHORITY THE LEGISLATURE

CURRENTLY HAS AND PEOPLE HAVE AN EXPECTATION THAT THERE WILL BE PUBLIC NOMINATING ELECTIONS IF THE AMENDMENT TOOK AWAY THAT AUTHORITY OF THE LEGISLATURE, RIGHT OF VOTERS, SEEMS LIKE THAT IS SOMETHING WE NEED TO KNOW IF THE AMENDMENT DOES THAT TO EVALUATE THE SUMMARY.

>> THE AMENDMENT DOES NOT TAKE AWAY THE BODY, IT PRESERVES THE ABILITY TO ACT IN THAT SPACE. AND TO DETERMINE WHO PARTICIPATE IN THAT PROCESS. THIS AMENDMENT DOES NOT AND CANNOT AFFECT THAT.

>> WHEN IT IS A SINGLE PRIMARY ELECTION WOULD BE HELD AS LONG AS THE LEGISLATURE DOESN'T LABEL THIS SINGLE PRIMARY ELECTION A PRIMARY THAN THAT IS OKAY.

>> THAT MAY BE.

WE LEAVE IT TO THE DEMONSTRATOR FOR THE BEST POLICY MENTATION SO WHETHER THEY STAY IN THE BOUNDLESS AMENDMENT IF IT IS ADOPTED THAT IS FINE BUT WE ARE NOT HERE FROM INTERIM PURPOSE IS TO MICROMANAGE IMPLEMENTATION BY THE LEGISLATURE.

>> I AM ASKING ABOUT THE SCOPE OF THE AUTHORITY, I AM TRYING TO UNDERSTAND WHAT OPTIONS THEY WOULD HAVE.

THE LEGISLATURE HAS THE AUTHORITY TO SET UP THESE ELECTIONS AND THEY HAVE DONE SO. THEY ARE NOT REQUIRED TO. THEY COULD SAY PARTIES, WE WILL FIGURE OUT THE BALLOT LATER BUT WE HAVE CHOSEN IN FLORIDA TO HAVE STATE-SPONSORED ELECTIONS TO PICK NOMINEES.

THE MAIN ARGUMENTS ON THE OTHER SIDE IS THAT GOES AWAY AND SO I AM TRYING TO UNDERSTAND YOUR VIEW OF THE SUBSTANCE OF THE TEXT ITSELF, OF THE PROPOSAL, DOES THE LEGISLATURE STILL HAVE THAT AUTHORITY GOING FORWARD IF

THIS WERE TO PASS?

>> ABSOLUTELY.

>> THE LEGISLATURE COULD HAVE A NEW STATUTE, AND TAKE WHAT EXISTS NOW FOR PRIMARIES AND CALL IT PRE-PRIMARY OR PARTY NOMINATION ELECTION OR WHATEVER NAME THEY CHOOSE TO CALL IT AND REPUBLICANS HAVE THEIR PRIMARY AND DEMOCRATS HAVE THEIRS, STILL HAVE THE ELECTION PROCESS LIKE WE HAVE IT NOW WITH A PARTY NOMINATED CANDIDATE COMING OUT OF THEIR, AND THAT WOULD BE OKAY UNDER THE PROPOSED AMENDMENT.

>> YES IT WOULD, YOUR HONOR.

I HAVE TO SAY I SCRATCH MY HEAD A LITTLE BIT LISTENING TO ARGUMENTS BY OPPONENTS WITH RESPECT TO BALLOT LANGUAGE BECAUSE A REASONABLE VOTER LOOKING AT THIS LANGUAGE IN THE BALLOT BOOTH IS GOING TO END UP WHAT THEY ARE BEING ASKED TO DECIDE STARTS WITH THE FIRST SENTENCE, ALLOWS ALL REGISTERED VOTERS TO VOTE FOR PRIMARIES, STATE LEGISLATURE, GOVERNOR AND CANDIDATE.

>> IT IS NOT CLEAR.

YOU HAVE TO ADMIT TO THE EXTENT THERE IS CLARITY IT IS ONLY BY READING TWO SENTENCES TOGETHER. THE FIRST SENTENCE STANDING ALONE WOULD NOT MEET OPEN PRIMARIES, THE SINCE THE STATUS QUO PRIMARY, VOTING IN WHICH EVERYONE THEY WANT.

>> YOU HIGHLIGHT WHAT THE COURT'S JURISPRUDENCE WOULD BE CONSISTENTLY ADDRESSING, THAT WE REVIEW THE BALLOT TITLE AND SUMMARY TOGETHER IN THEIR ENTIRETY.

I READILY AGREE.

THAT FIRST SENTENCE ALONE DOESN'T TELL THE WHOLE STORY BUT WHEN YOU READ THE WHOLE THING TOGETHER TELL THE CLERESTORY. WITH RESPECT TO HOW THE PROCESS

WILL WORK, ONCE VOTERS CAN VOTE REGARDLESS OF PARTY AFFILIATION CANDIDATES QUALIFYING FOR THE OFFICE INCLUDING THOSE NOMINATED IN THEIR OTHER SEPARATE PROCESS IF IT EXISTS APPEAR ON THE SAME BALLOT.

>> ISN'T THE PROBLEM IS THAT NONE OF US KNOW HOW IT IS GOING TO WORK IN THE SENSE WE HAVE A STATUS QUO WHERE EVERYBODY WHO IS A MEMBER OF THE PARTY GETS TO GO TO THESE STATE-SPONSORED ELECTIONS AND PICK THEIR CANDIDATE AND GOING FORWARD WE UNDERSTAND FROM THE TEXT AND FROM THE SUMMARY THAT THERE WILL BE THIS ALL CANDIDATE/ALL VOTER PRIMARY BUT AS FAR AS A CORE THING THAT EVERYBODY HAS LIVED WITH IN FLORIDA FOR DECADES NONE OF A 70 IDEA WHAT IS GOING TO HAPPEN WITH THAT.

NOT SURE IF LEGALLY, SUBSTANTIVELY ON THE BALLOT. AS FAR AS EXPLAINING THE CONSEQUENCES, ALL THE STUFF OUR CASE LAW TALKS ABOUT MAKING AN INFORMED CHOICE, BUT SUMMARY DOESN'T TELL YOU HOW THE STATUS QUO CHANGED BUT WE DON'T KNOW HOW IT WILL BE CHANGED.

>> I DISAGREE.
IT IS CLEARLY HOW THE STATUS QUO WILL CHANGE.

>> YOU DON'T KNOW HOW PARTIES WILL NOMINATE PEOPLE IF AT ALL. AND THAT IS A CORE HUGE CORE ASPECT OF THE WAY WE DO THINGS.

>> RESPECTFULLY PUSH BACK ON THAT, WE COULD LOOK AT THE CASES THE COURT HAS HANDLED DOWN, PROHIBITING PUBLIC FINANCING THE OPPONENTS RAISE THE HOST OF ARGUMENT AS TO WHAT WAS INCLUDED AND IT WAS EFFECTIVELY INVALIDATING STATUTORY LAW, NOT NECESSARILY TELLING YOU WHAT MIGHT TAKE ITS PLACE OR THE SAME THING GOING INTO CASINOS.

THE PURPOSE IS NOT TO IDENTIFY EVERY CONCEIVABLE POTENTIAL OUTCOME.

THAT IS IN THE FIRESTONE CASE, MAY NOT PROVIDE AN EXHAUSTIVE EXPLANATION REFLECTING THE OPPONENTS INTERPRETATIONS OF THE AMENDMENT, YOU HAVE TO TALK ABOUT THE CHIEF PURPOSE THAT IS DISCLOSED.

ALL OF THEM VOTE IN DESIGNATED OFFICES OF THE PARTY AFFILIATION.

ALL CANDIDATES QUALIFY ON THE SAME BALLOT AND AS A CONSEQUENCE THE TOP TWO ADVANCE THE GENERAL ELECTION.

>> WOULD IT BE MATERIAL TO A GIVEN STATUS QUO, WHETHER WE SHOULD OR NOT WE HAVE TAKEN INTO CONSIDERATION THE STATUS QUO AND HOW THE AMENDMENT WILL CHANGE THE STATUS QUO.

WOULD IT BE MATERIAL TO A TYPICAL VOTER IN FLORIDA TO KNOW WHETHER IN THE FUTURE THEY WILL BE ABLE TO VOTE IN ELECTIONS TO CHOOSE THE PARTY'S NOMINEE?

>> HERE IS HOW WE HAVE THE STATUS QUO.

>> WOULD IT BE A MATERIAL ISSUE WHO IS A MEMBER OF THE PARTY WHEN YOU ADD THEM TOGETHER IT IS STILL THE MAJORITY OF VOTERS?

>> TO KNOW WHAT THE CHANGE IS, DEvised BY THE LEGISLATURE IN THE FUTURE.

>> WOULD IT BE MATERIAL TO A VOTER TO KNOW THEY WILL NO LONGER HAVE THE RIGHT THEY HAVE UNDER FLORIDA LAW TO VOTE FOR THEIR PARTY'S NOMINEE?

>> THEY KNOW THAT -- BECAUSE OF THIS INCLUDING NOMINATED CANDIDATES.

WHERE DOES IT TELL THE VOTER THEY ARE LOSING THAT RIGHT?

>> THE BASIC PREMISE IS THIS IS A CONSTITUTIONAL AMENDMENT, WE ARE EXPECTING CHANGE, CHANGING

THE STATUS QUO WHICH IS THE
CLOSED PARTY PRIMARY.
IT IS REASONABLE FOR US TO
PRESUME THAT IS WHAT THE STATUS
QUO IS.

WITH RESPECT TO THE CAUSE OF
INCLUDING PARTY NOMINATED
CANDIDATES, ALL VOTERS VOTING IN
THE PRIMARY, ALL CANDIDATES
APPEARING ON THE SAME BALLOT IS
SOMETHING NEW.

AND SIGNALING TO VOTERS THAT MAY
BE SOME ABILITY, THEY CAN'T
PREDICT THE FUTURE.

THE PARTIES ARE LEGISLATURE HOW
TO CREATE THOSE BECAUSE THAT
PROBABLY MAKES A SINGLE SUBJECT
VIOLATION BY GETTING INTO A THE
LEGISLATURE DOES IN THE
PRIMARIES AND COULD IMPLICATE
THE PARTIES FIRST AMENDMENT
ASSOCIATIONAL RIGHTS.

>> THE PROCESS CREATED BY THE
LEGISLATURE.

BEFORE THE ACTUAL PRIMARY, YOU
HAVE A PARTY NOMINATED
CANDIDATE.

IF THEY DID THAT AND THAT WOULD
BE THE CASE, WOULDN'T THE
PRIMARY UNDER THE NEW
CONSTITUTIONAL AMENDMENT LOOK
LIKE THE CURRENT GENERAL
ELECTION?

>> WOULD IT LOOK LIKE THE
GENERAL ELECTION?

>> IF WE HAD A PRE-PROCESS BY
THE PARTIES TO NOMINATED
CANDIDATES AND THEN THOSE
CANDIDATES COME INTO THE PRIMARY
UNDER THE PROPOSED
CONSTITUTIONAL AMENDMENT,
WOULDN'T THAT PROCESS OR THE NEW
PRIMARY LOOK LIKE A GENERAL
ELECTION LOOKS LIKE NOW AFTER
THE PRIMARY?

>> YOU HAVE PARTY NOMINATING
CANDIDATES, SUCH AS QUALIFY THAT
ORANGE NOMINATED BY A PARTY, YOU
HAVE RIGHT IN CANDIDATES.

>> IF THAT HAPPENS, THE PURPOSE

OF THE PROPOSED CONSTITUTIONAL AMENDMENT WOULD NOT BE SERVED OR NOT ACHIEVED.

>> I THINK IT WOULD, TO GET TO THE GENERAL ELECTION WE WANT THE GREATEST PARTICIPATION BY ALL VOTERS TO PARTICIPATE REGARDLESS OF PARTY AFFILIATION. AND THE MAJORITY WINNER IN THAT SCENARIO.

>> EVEN WITHOUT OUTCOME, YOU STILL PERCEIVE THAT IS IN THE BOUNDARIES OF THE PROPOSED CONSTITUTIONAL AMENDMENT.

>> THE LEGISLATURE COULD DEVISE THAT SYSTEM.

>> THE SENTENCE THAT SAYS A SINGLE PRIMARY ELECTION SHALL BE HELD, BASICALLY LABELING EXERCISE.

AS LONG AS THE LEGISLATURE DIDN'T CALL THIS PRE-PRIMARY THING A PRIMARY ELECTION, THAT WOULD BE THE CASE.

>> AS LONG AS THEY DIDN'T DO ANYTHING BUT IMPACT THE ABILITY OF ALL VOTERS TO VOTE IN THE NEW PRIMARY.

>> UNDER -- TALKING ABOUT THREE ELECTION SYSTEM ESSENTIALLY. AS LONG AS EVERYBODY GETS TO VOTE IN THE SECOND ELECTION THAT IS OKAY.

>> THAT IS NOT DISSIMILAR IS WHAT FLORIDA HAD IN THE PAST.

>> IT SOUNDS LIKE THE WAY YOU ARE DESCRIBING THIS THING THERE SHOULD HAVE BEEN A SENTENCE THAT MAY OR MAY NOT BE PARTY NOMINEES IN THE FUTURE, YOU THE VOTER MAY OR MAY NOT HAVE THE RIGHT TO VOTE IN THOSE ELECTIONS.

>> WELL.

>> THERE MAY OR MAY NOT BE NOMINEES OR ELECTIONS TO CHOOSE THEM THAT YOU MAY OR MAY NOT HAVE THE RIGHT TO VOTE IN. WOULD THAT SENTENCE CHANGED THE TENOR OF THE SUMMARY IN A WAY

THAT WOULD BE MATERIAL TO THE VOTER?

>> I DON'T KNOW THAT IT IS ANY MORE OR LESS MATERIAL TO THE VOTER BUT WE ARE OPERATING WITHIN THE 75 WORD LIMIT AND ONLY SO MUCH YOU CAN DO AND LOOK TO WHETHER THAT DISCLOSES THE CHIEF PURPOSE AND WE DON'T CAUGHT EVERY POSSIBLE POTENTIAL OUTCOME OR EFFECT SO LONG AS THE CHIEF PURPOSE IS NOTED.

ARE THERE BETTER WAYS OF THIS LANGUAGE TO BE DRAFTED?

BETTER MINDS -- I DRAFTED IT -- BETTER MINDS THAT COULD HAVE DONE A BETTER JOB BUT THAT'S NOT THE ISSUE HERE.

THE ISSUE IS NOT PROFESSION. THERE IS NO SUCH THING AS PROFESSION.

THIS COURT RECOGNIZED THAT, THE RIGHT TO TREATMENT OF REHAB CASE WHICH STATED PERFECTLY DRAFTED SUMMARY MIGHT MENTION THIS, TO USE YOUR LANGUAGE, IMPERFECTION IS NOT NECESSARILY FAIL GIVEN THE 75 WORD STATUTORY MAXIMUM.

>> MY QUESTION DOES NOT ASSIMILATE, I'M NOT CHARACTERIZING IT IS IMPERFECTION.

IF THAT IS IMPORTANT ENOUGH, IF THAT IS A MATERIAL ENOUGH ISSUE THAT COULD HAVE BEEN MORE CLEARLY, MORE CLEARLY IS PROBABLY WRONG, SHOULD HAVE BEEN DISCLOSED AT ALL TO THE VOTER.

>> WHEN YOU TAKE THE ENTIRE SUMMARY AND ITS CONTEXT IT IS CLEAR THAT ALL VOTERS VOTING IN THIS NEW ELECTION, ALL CANDIDATES ON THE SCENE THAT WERE PARTY NOMINATED AS A MATTER OF READING PLAIN LANGUAGE OR LOGIC THAT PROCESS HAS TO COME BEFORE AND SEPARATE FROM THE ALL VOTERS VOTE PRIMARY.

THAT IS CLEARLY STATED TO THE VOTER.

>> THERE'S NOTHING UNTIL THE VOTER ABOUT THE UNCERTAINTY AS TO WHAT THEIR RIGHTS, WHAT THEIR STATE'S AUTHORITY, WHAT THEIR ROLE IN THAT MIGHT BE. THE MAIN ISSUE DIVIDING THE TWO SIDES.

>> THAT IS THE ARGUMENT THAT IS NOT WHAT THE LAW REQUIRES. I DON'T KNOW, ONCE YOU START GOING DOWN THE ROAD OF TRYING TO DISCLOSE ALL THE UNKNOWN OR UNKNOWABLE THINGS, YOU GET TO A SLIPPERY SLOPE.

>> WHAT IS YOUR TAKE ON THE MEANING OF THE PHRASE CHIEF PURPOSE, AND HOW WE ARE SUPPOSED TO OBJECTIVELY IN ALL OUR CASES, GIVE MEANING TO THAT. HOW IS SOMEONE SUPPOSED TO LOOK AT THE PROPOSED INITIATIVE AND FIGURE OUT OBJECTIVELY WHAT THE CHIEF PURPOSE IS?

>> I WOULD LIKE TO TAKE THE EASY WAY OUT AND GIVE YOU MY POTTER STEWART PROBE, YOU SEE IT BUT ARE NOT LOOKING FOR THAT.

>> I AM NOT CRITICIZING YOU BUT THAT, THAT IS ONE OF THE PROBLEMS WITH THIS AREA OF THE LAW.

IT DOES LEND ITSELF TO SUBJECTIVELY EACH PERSON DECIDING WHAT WOULD MY IDEAL VOTER NEED TO KNOW ABOUT THIS IN ORDER TO MAKE A, QUOTE, INFORMED CHOICE.

THERE IS LANGUAGE LIKE THAT IN CASE LAW.

TO GET AWAY FROM THAT HOW DO WE OBJECTIVELY FIGURE OUT WHAT THE CHIEF PURPOSE OF A PROPOSAL IS?

>> I DON'T KNOW THAT I COULD GIVE YOU A BRIGHT LINE EXCEPT LOOK AT THE PLAIN TEXT OF THE SUMMARY AND COMPARE IT TO SEE IT ACCURATELY REFLECTS WHAT THE AMENDMENT DOES AND IN THIS PARTICULAR CASE WE DO THAT AND I DON'T WANT TO SOUND LIKE A

BROKEN RECORD BUT ALL VOTERS
VOTE IN THESE DESIGNATED
ELECTIONS REGARDLESS OF PARTY
AFFILIATION.

ALL CANDIDATES APPEAR ON THE
BALLOT INCLUDING PARTY NOMINATED
AND SO ON AND SO FORTH.

YOU WOULD OPEN UP ELECTIONS, AND
PARTICIPATING IN THEM.

AND CANDIDATES APPEAR ON THE
BALLOT.

>> WE EMPLOY A DIFFERENTIAL
STANDARD, DON'T LOOK AT THINGS
OFF THE BALLOT.

UNLESS THEY ARE CLEARLY AND
CONCLUSIVELY – SOME AMBIGUITIES
OR UNCERTAINTIES, WE FREQUENTLY
GO BACK TO THAT STANDARD OF
CLEARLY AND CONCLUSIVELY
DEFECTIVE.

>> THAT IS RIGHT.

AS YOUR HONOR NOTED, MEDICAL
MARIJUANA, THE RIGHT FOR VOTERS
TO DECIDE A PLOT AMENDING OUR
CONSTITUTION IS IMPORTANT,
FUNDAMENTAL, CASE LAW TALKS
ABOUT A SECRET AREA OF THE LAW
THIS COURT PASSES UPON.

CLEARLY AND CONCLUSIVELY
DEFECTIVE STANDARD IS IMPORTANT
AND HERE IS WHY.

11 MONTHS FROM NOW, NEARLY 10
MILLION FLORIDIANS ARE GOING TO
VOTE.

THE MOST IN OUR HISTORY EVER.
FOR AN AMENDMENT TO GET ADOPTED
IT WILL REQUIRE APPROXIMATELY 6
MILLION FLORIDIANS TO VOTE.

UNLESS THAT AMENDMENT IS SHOWN
TO BE CLEARLY AND CONCLUSIVELY
DEFECTIVE AND MATERIALLY
MISLEADING WE NEED TO BE
RELUCTANT BEFORE WE TAKE THAT
VOTE OUT OF THE HANDS OF 6
MILLION FLORIDIANS.

>> CLEARLY AND CONCLUSIVELY AND
CLEARLY MISLEADING, THAT ONLY
MAKES SENSE IN RELATION TO THE
BASELINE AS TO WHAT NEEDS TO BE
KNOWN BY THE VOTER AND THEMES

LIKE YOUR AMENDMENT PUTS ARGUABLY TWO CHOICES AND PEOPLE. ONE IS TO HAVE THIS PRIMARY AND TO POTENTIALLY FUNDAMENTALLY CHANGE HOW A PARTY'S NOMINEES ARE CHOSEN.

THE SUMMARY COVERS THE FIRST THING THAT REALLY DOESN'T TELL THE VOTER ANYTHING ABOUT THE SECOND THING.

TO INCLUDE ONE OF THE FUNDAMENTAL CHOICES BEFORE THE VOTER AND THEN APPLY IS IT CLEARLY AND CONCLUSIVELY DEFECTIVE IN RELATION TO DISCLOSING THAT CHOICE.

ONE COULD POTENTIALLY CONCLUDE THAT'S NOT DISCLOSED AT ALL.

>> TO VOTE IN PRIMARIES WHERE THEY ARE LOCKED FROM VOTING IT. THAT CHANGES MADE KNOWN TO THE VOTERS AND VOTERS KNOW THAT THERE CAN BE SOME OTHER PROCESS BUT WE CAN'T KNOW WHAT THAT IS BECAUSE THE AMENDMENT DOESN'T ADDRESS IT.

CAN'T ADDRESS SOMETHING THE AMENDMENT DOESN'T PROVIDE.

>> THE PRIMARIES THEY ARE BLOCKED FROM VOTING IN, NOT GIVING ACCESS TO THOSE PRIMARIES, YOU'RE CREATING AN ENTIRELY NEW SYSTEM AND RIGHT NOW THOSE PRIMARIES EXIST TO CHOOSE PARTY NOMINEES.

YOU ARE SAYING WE ARE NOT GOING TO WORRY ABOUT CHOOSING PARTY NOMINEES ANYMORE.

WE HAVE THIS THING AND ARGUABLY THAT'S A MAJOR CHANGE FROM THE STATUS QUO IN TERMS OF PARTY NOMINEES FOR WHAT IS NOT DISCLOSED IN THE SUMMARY.

>> I DON'T WANT TO MAKE IT SEEM LIKE I'M PICKING ON YOU ARE GETTING INTO SEMANTICS BUT THE IMPORTANT THING HAS CHANGED, CHANGE IS ALL VOTERS VOTE AND ALL CANDIDATES APPEAR IN THE CANDIDATE.

WHAT THIS PROCESS MIGHT LOOK
LIKE IF IT COMES INTO BEING IS
UNKNOWN.

I DON'T KNOW HOW WE CAN DESCRIBE
WHAT IS UNKNOWN AT THIS POINT
BECAUSE IT HASN'T BEEN
DETERMINED.

IT MAY BE THE SAME THING CALLED
BY DIFFERENT NAME IS JUSTIN
PAULSON DECIDED.

WE CAN'T ADDRESS THAT FOR THE
REASONS -- WE CAN'T POSSIBLY
ADDRESS SOMETHING IN SUMMARY
THAT ISN'T PART OF IT.

I SEE MY TIME IS UP.

>> YOU WANT TO SUM UP IN A
MINUTE OR TWO?

>> I DO.

THIS IS ALL ABOUT THE PLAIN
LANGUAGE OF THE AMENDMENT, THE
BALLOT SUMMARY.

IT CLEARLY DESCRIBES WHAT THAT
CHANGE IS GOING TO BE.

VOTERS CHANGE THE PRIMARY SYSTEM
AS WE CURRENTLY KNOW IT.

OKAY, FINE.

THEY ARE TOLD HOW THAT WILL
HAPPEN.

ALL VOTERS VOTE REGARDLESS OF
PARTY AFFILIATION.

THE CANDIDATES WILL APPEAR ON
THE BALLOT INCLUDING PARTY
NOMINATED CANDIDATES IF WE HAVE
THEM IN THE FUTURE AND THAT IS
LEFT TO THE LEGISLATURE.

THE REST OF THE PROCESS IS LAID
OUT, THE TOP TWO ADVANCED.

OF SOMEONE'S PARTY AFFILIATION,
NOTE THAT PARTY AFFILIATION CAN
BE DESIGNATED ON THE BALLOT AND
THAT IS LEFT TO THE DISCRETION
OF THE LEGISLATURE TO DETERMINE
HOW BEST TO DO THAT.

VERY QUICKLY THE DIFFERENCE
BETWEEN NOMINATION AND
ENDORSEMENT, THERE ARE DEFINITE
DISTINCT TERMS, NOMINATION, IT'S
PLAIN LANGUAGE AND THE PARTY'S
STANDARD BEARER FOR THE
ELECTION, WHO WE ARE CHOOSING

FOR THAT RACE.
ENDORSEMENT IS ANOTHER VERSION
OF SUPPORT THAT CAN BE DONE BY
WHATEVER METHOD THE PARTY DEEMS
BEST.

THAT IS WHY WE LEAVE THOSE
ISSUES TO THE LEGISLATURE.
THEY ARE THE STAKEHOLDERS, THEY
ARE IN THE BEST POSITION TO
DETERMINE WHAT NOMENCLATURE BEST
SUITS THEIR PURPOSES AND HOW
THAT SHOULD BE PUT ON THE
BALLOT.

THANK YOU.

>> MAY IT PLEASE THE COURT.

I WANT TO GO BACK TO THE ISSUE
OF PARTY NOMINATIONS, JUSTICE
PAULSON'S QUESTION, THE
LEGISLATURE CREATED A
PRE-PRIMARY PROCESS, WITH THIS
NEW ALL VOTERS VOTE LOOK LIKE
THE GENERAL ELECTION?

I BELIEVE THE ANSWER WAS YES.
THAT IS NOT THE CASE BASED ON
THE TEXT OF THE AMENDMENT.
THE TEXT OF THE AMENDMENT MEANS
ALL QUALIFIED CANDIDATES APPEAR
ON THIS BALLOT.

WHAT THAT MEANS IS WE HAD A
PRE-PRIMARY PROCESS AND THE
REPUBLICAN PARTY GOT TOGETHER,
DEMOCRATIC PARTY GOT TOGETHER
AND THEY CHOSE THEIR NOMINEE
THAT IS NOT GOING TO BE
NECESSARILY THE ONLY DEMOCRAT
WERE THE ONLY REPUBLICAN ON THE
NEW PRIMARY ELECTION BALLOT
BECAUSE IT SAYS ALL QUALIFIED
CANDIDATES WILL APPEAR ON THE
BALLOT HOWEVER THE SUMMARY
DOESN'T SAY THAT.

THE SUMMARY DOESN'T SAY ALL
QUALIFIED CANDIDATES.
THE SUMMARY SAYS ALL CANDIDATES
INCLUDING PARTY NOMINATED
CANDIDATES AND THAT IS WHY WE
BELIEVE THIS IS FUNDAMENTALLY
MISLEADING AND SHOULD BE STRUCK
IN FROM THE BALLOT.

>> IF YOU DID HAVE A PREPRIMARY

ELECTION THAT PRODUCED NOMINEES AND OF THE LEGISLATURE SAID THE ONLY PARTY AFFILIATIONS THAT COULD APPEAR ON THE BALLOT FOR THIS PRIMARY CREATED BY THE AMENDMENT WOULD BE THE PARTY NOMINEES WHY WITH THE PARTIES CARE WHETHER OTHER PEOPLE WHO QUALIFY HAPPEN TO BE MEMBERS -- >> THEY HAVE AN INTEREST IN STANDARDBEARERS.

IF THEY GO TO THE PARTY NOMINATION PROCESS AND VETTING ALL THE CANDIDATES AND THEY CHOOSE CANDIDATE TO REPRESENT THE PARTIES IDEALS, AND ENSURING THAT CANDIDATE IS THE SOLE CANDIDATE REPRESENTING THEIR PARTY FOR THE BALLOT.

WHEN THEY ENGAGE IN WORDSMITHING BY TRYING TO SEND A MESSAGE. FOR EVERY PARTY AFFILIATE, 9.8 MILLION OF THEM THAT SOMEHOW THESE PARTY MEMBERS WILL STILL BE UP TO PARTICIPATE IN THE NOMINATION PROCESS IN THE PRIMARY ELECTION PROCESS JUST AS THEY HAD FOR THE PAST HUNDRED YEARS AND THAT IS WHY I FUNDAMENTALLY BELIEVE IT IS MISLEADING.

>> WE THANK YOU FOR YOUR ARGUMENTS.