

SUPREME COURT OF FLORIDA

Florida Department of State v. Florida State Conference of NAACP Branches

43 So. 3d 662 (Fla. 2010) · Decided August 31, 2010

SUMMARY

The Florida Supreme Court affirmed a circuit court judgment striking proposed Amendment 7 from the November 2010 ballot. The court held that the ballot language failed to inform voters that the amendment could subordinate or dilute the existing constitutional requirement that legislative and congressional districts be contiguous. It also concluded that the ballot title was misleading because the amendment replaced mandatory redistricting standards with discretionary considerations.

CASE DETAILS

COURT	Supreme Court of Florida
WRITING FOR THE COURT	Pariente; Lewis; Quince; Labarga; Perry; Canady; Polston
JURISDICTION	Florida
DECIDED	August 31, 2010
DISPOSITION	affirmed
PROCEDURAL POSTURE	Expedited review of a First District Court of Appeal certification of a circuit court judgment striking a proposed constitutional amendment from the November 2010 general election ballot.
STANDARD OF REVIEW	De novo review applies to the validity of a proposed constitutional amendment's ballot language.
PRECEDENTIAL VALUE	Published, precedential opinion of the Supreme Court of Florida
PARTIES	Florida Department of State, Dawn K. Roberts, in her official capacity as Secretary of State, Florida Senate, Florida House of Representatives v. Florida State Conference of NAACP Branches, Adora Obi Nweze, League of Women Voters of Florida, Inc., Deirdre Macnab, Robert Milligan, Nathaniel P. Reed, Democracia Ahora, Jorge Mursuli

TOPICS

- ballot access
- redistricting
- election law
- appellate jurisdiction
- standard of review

PRACTICE AREAS

constitutional law

election law

appellate procedure

QUESTIONS PRESENTED

1. Whether the ballot language for proposed Amendment 7 clearly and unambiguously informed voters of the amendment's chief purpose, true meaning, and ramifications as required by section 101.161(1), Florida Statutes, and article XI, section 5, of the Florida Constitution.
2. Whether the ballot title was misleading because it purported to impose redistricting standards while the amendment would replace mandatory standards with discretionary considerations.
3. Whether Amendment 7 could be placed on the November 2010 general election ballot.

HOLDINGS

1. The ballot language was legally insufficient because it failed to inform voters that Amendment 7 could subordinate or dilute the existing mandatory constitutional requirement that districts be composed of contiguous territory.
2. The ballot title was misleading because it purported to establish standards for redistricting while the amendment would eliminate mandatory standards and replace them with discretionary considerations.

KEY QUOTATIONS

“The standard of review of the validity of a proposed constitutional amendment is de novo.” (667)

“In this analysis, we consider two questions: “(1) whether the ballot title and summary, in clear and unambiguous language, fairly inform the voter of the chief purpose of the amendment; and (2) whether the language of the title and summary, as written, misleads the public.”” (667-668)

“Nowhere does the ballot language inform the voter that there is currently a mandatory contiguity requirement in article III, and nowhere does the language inform the voter that the contiguity requirement could be diluted by Amendment 7.” (668)

“Amendment 7 would allow the Legislature to nullify the currently mandatory nature of the contiguity requirement, placing it on par with the other discretionary considerations in the redistricting process.” (669)

FACTUAL BACKGROUND

The Florida Legislature proposed Amendment 7, which would have amended article III of the Florida Constitution to establish standards for legislative and congressional redistricting. The proposed language required the state to balance and implement constitutional standards, consider racial and language minorities' ability to participate in the political process, and respect communities of common interest. The plaintiffs argued that the ballot title and summary failed to disclose that the amendment could subordinate the existing mandatory contiguity requirement for legislative and congressional districts to discretionary considerations.

PROCEDURAL HISTORY

The plaintiffs sought declaratory and injunctive relief preventing placement of proposed Amendment 7 on the ballot and moved for summary judgment. The circuit court granted plaintiffs' motion, denied defendants' cross-motions, and enjoined the Florida Department of State from placing the amendment on the ballot. The First District certified that the judgment involved a question of great public importance requiring immediate resolution, and the Florida Supreme Court accepted review.

DISPOSITION

affirmed

CASES CITED

- Askew v. Firestone, 421 So. 2d 151 (Fla. 1982)
- Armstrong v. Harris, 773 So. 2d 7 (Fla. 2000)
- Standards for Establishing Legislative District Boundaries, 2 So. 3d 175 (Fla. 2009)
- Florida Department of State v. Slough, 992 So. 2d 142 (Fla. 2008)
- In re Advisory Opinion to Attorney General re Medical Liability Claimants' Compensation Amendment, 880 So. 2d 675 (Fla. 2004)
- Advisory Opinion to Attorney General re Referenda Required for Adoption & Amendment of Local Government Comprehensive Land Use Plan, 902 So. 2d 763 (Fla. 2005)
- Advisory Opinion to Attorney General re Prohibiting State Spending for Experimentation that Involves the Destruction of a Live Human Embryo, 959 So. 2d 210 (Fla. 2007)
- Smathers v. Smith, 338 So. 2d 825 (Fla. 1976)
- Advisory Opinion to Attorney General re Standards for Establishing Legislative District Boundaries, 2 So. 3d 175 (Fla. 2009)
- Advisory Opinion to Attorney General re Standards for Establishing Legislative District Boundaries (FIS), 24 So. 3d 1198 (Fla. 2009)