

September 23, 2003

Mr. David Cardwell, Chair
Citizens for Political Integrity
8815 Conroy Windermere Road, #336
Orlando, FL 32835-3129

RE: DE 03-07
Constitutional Amendment Petition Forms;
Inclusion of Name and Address of Paid Petition
Circulator §106.19(3), Florida Statutes and Rule
1S-2.009, Florida Administrative Code

Dear Mr. Cardwell:

This is in response to your request for an advisory opinion. As a Chairman of a registered political committee, Citizens for Political Integrity, the division has the authority to issue an opinion to you pursuant to section 106.23(2), Florida Statutes. You state that your political committee is the sponsor of a proposed amendment to the Florida Constitution by initiative. You ask essentially the following questions:

1. If some, but not all, petition forms for a proposed constitutional amendment by initiative will be circulated and gathered by a paid petition circulator must all petition forms used by the sponsoring committee contain the name and address of the paid petition circulator?
2. May the name and address of the paid petition circulator be printed or stamped on only those forms actually gathered by the paid petition circulator?
3. If the answer to question 2 is yes, does the print or stamp require approval by the Division of Elections?

The short answer to Questions 1 and 3 is no. The short answer to Question 2 is yes. Your questions originate from the requirement contained in section 106.19(3), Florida Statutes, which reads as follows:

(3) A political committee sponsoring a constitutional amendment proposed by initiative which submits a petition form gathered by a paid petition circulator

which does not provide the name and address of the paid petition circulator on the form is subject to the civil penalties prescribed in s. 106.265.

By its plain reading, this section only requires that petition forms that have actually been gathered by a paid petition circulator bear the name and address of the paid circulator. Therefore, Question 1 is answered in the negative.

As to Question 2, since the statute only requires that petitions that were actually gathered by paid circulators bear the name and address of the paid circulators, it would clearly be permissible to type or stamp the name and address of the paid circulator only on the petition forms gathered by the paid circulators and not on all petition forms created by the political committee.

As to Question 3, Rule 1S-2.009, Florida Administrative Code, entitled *Initiative Constitutional Amendment Petition*, outlines the content requirements for constitutional amendment petitions and the division's review process. Once a petition's content has been reviewed and approved by the division, only subsequent changes to the wording of the text of the proposed amendment, the ballot title, or ballot summary, including changes in punctuation, must be submitted for additional review and approval. Rule 1S-2.009(10), F.A.C. The addition of a paid circulator's name and address to a previously approved petition form would not alter any of the prescribed text. Therefore, the addition of the name and address of the paid petition circulator would not have to be submitted to the division for approval.

SUMMARY

Only constitutional amendment petition forms that have actually been gathered by a paid petition circulator must bear the name and address of the paid circulator. The subsequent addition of the paid circulator's name and address to a petition form previously approved by the division does not require resubmission of the petition form to the division for additional approval.

Sincerely,

Edward C. Kast
Director, Division of Elections

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ECK/SDL/ccm