



Florida Constitution Revision Commission **PROPOSAL 97** *Florida Chamber of Commerce* **STAFF ANALYSIS**

Proposal 97: Amendment or Revision Election

Proposal 97 was introduced by Commissioner Belinda Keiser for consideration by the full Constitution Revision Commission. This proposal creates consistency throughout Article XI for the passage of constitutional amendments. Currently, Article XI calculates the percentage for passage of a constitutional amendment differently based on whether or not it is a taxing amendment. While the numerator is the same for these fractions, the denominators are different.

Currently, a non-taxing amendment under Article XI, Section 5 is calculated by the number of votes in the affirmative divided by the number of total votes cast on the amendment. More simply, the abstaining votes are not counted for the passage a non-taxing amendment.

Currently, a taxing amendment under Article XI, Section 7 is calculated by the number of votes in the affirmative divided by the total number of voters in the election. More simply, the abstaining votes are counted as not supporting votes.

Proposal 97 would create uniformity in this section by changing the way in which non-taxing amendments are counted to the same way that taxing proposals are counted.

It should be noted that taxing and non-taxing amendments have different thresholds for passage. A taxing amendment requires a 66% threshold for passage while a non-taxing amendment requires 60%. The difference in these two differing thresholds can be reasonably explained by a policy decision – that the threshold to raise taxes should be higher than a normal amendment. Proposal 97 would not adjust these thresholds.

The Florida Chamber of Commerce believes:

- 1. This proposal seeks to create consistency by the way that votes are tallied; and**
- 2. Eliminates confusion by bringing parity to different ways to calculate passage of a constitutional amendment.**

For these reasons, the Florida Chamber of Commerce supports Proposal 97.

"This proposal brings consistency to Florida's foundational document, and protects Floridians against out-of-state billionaires that may seek to radically change our constitution."

MARK WILSON, President and CEO
Florida Chamber of Commerce