

## NewsRoom

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Court asked to block amendments from ballot

The News Service of Florida

Arguing that the measures would violate First Amendment rights, an attorney for two plaintiffs urged the Florida Supreme Court on Friday to uphold a lower-court ruling that would block three proposed constitutional amendments from going before voters in November.

Attorney Joseph Little filed a 50-page brief after Attorney General Pam Bondi's office Monday requested that the Supreme Court allow the ballot measures to move forward.

The Supreme Court has not said whether it will hold oral arguments in the case, which stems from ballot proposals approved this year by the Florida Constitution Revision Commission.

Little represents former Supreme Court Justice Harry Lee Anstead and another plaintiff, Robert Barnas, who contend that the Constitution Revision Commission improperly "bundled" unrelated issues into single ballot proposals. They argue the measures would violate the First Amendment rights of voters, who could have conflicting opinions about issues in single ballot proposals.

Leon County Circuit Judge Karen Gievers issued a ruling that would block the amendments, which include a high-profile measure aimed at banning offshore oil drilling and banning vaping or the use of electronic cigarettes in workplaces.

The state appealed Gievers' ruling, and the 1st District Court of Appeal quickly passed the dispute along to the Supreme Court.

Little's brief Friday said the First Amendment "protects Florida voters from being forced to vote against their choices," as he urged justices to uphold Gievers' decision.

"It cannot be disputed that this (Supreme) Court has repeatedly exercised great caution in removing proposed amendments from the ballot," the brief said. "Nevertheless, it is equally without dispute that this court has often found it necessary to remove propositions from the ballot because the ballot language was deceptive or failed to inform the voter of the content of the measure or denied the voter the right to intelligently cast a ballot. The number of these decisions is large, well known to this court, and need not be cited here. This case is simply another in the line that this court should hold denies voters the right to vote without undue infringement."

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In the brief filed Monday, Bondi's office called Little's First Amendment argument a "novel constitutional theory" and pointed to a history of bundled state and federal constitutional issues.

Along with the proposal on oil drilling and vaping, Gievers struck from the ballot a measure that deals with governance of the state-college system and death benefits for survivors of first responders and military members.

Also, she struck a measure that would remove constitutional language that prohibits "aliens ineligible for citizenship" from owning property and would revise language to make clear the repeal of criminal statutes does not affect the prosecution of crimes committed before the repeal.

**---- Index References ----**

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