

Counties, initiative petitions

Number: INFORMAL

Date: December 13, 2006

The Honorable Buddy Johnson
Supervisor of Elections, Hillsborough County
601 East Kennedy Boulevard, 16th Floor
Tampa, Florida 33602

Dear Mr. Johnson:

You ask whether the Hillsborough County Charter requires initiative petitions to amend the charter to be filed with the supervisor of elections for verification by February 1, 2006.

As discussed in this office's Statement Concerning Attorney General Opinions, a copy of which is enclosed, opinions of this office generally are not issued on questions requiring an interpretation only of local codes, ordinances or charters rather than the provisions of state law. As you are aware, the Florida Constitution requires that "[a] proposed amendment or revision of this constitution, or any part of it, by initiative shall be submitted to the electors at the general election provided the initiative petition is filed with the custodian of state records no later than February 1 of the year in which the general election is held." This provision was adopted during the 2004 general election and became effective January 5, 2005. While the Florida Statutes do not currently reflect the February 1st deadline, such statutes must be read in a manner consistent with the Florida Constitution.[1]

Your inquiry, however, concerns the interpretation of the Hillsborough County Charter. Accordingly, this office must decline to comment upon this matter. However, the Attorney General is committed to the preservation of the citizens' right to vote and any ambiguity should be resolved in keeping with such a concept. The courts of this state have held that in construing statutes relating to elections, such statutes should receive a liberal construction in favor of the citizen whose right to vote they tend to restrict and in so doing to prevent disfranchisement of legal voters.[2]

Sincerely,

Joslyn Wilson
Director, Opinions Division

JW/tfl

[1] See s. 28, Ch. 05-278, Fla. Stat., which amends s. 100.371, effective January 1, 2007, to provide that constitutional amendments proposed by initiative shall be placed on the ballot for the general election, provided the initiative has been filed with the Secretary of State no later

than February 1 of the year the general election is held.

[2] See, e.g., *State ex rel. Carpenter v. Barber*, 198 So. 49 (Fla. 1940); *State ex rel. Whitley v. Rinehart*, 192 So. 819 (Fla. 1939) (election laws should be liberally construed in favor of the right to vote); *Krivanek v. Take Back Tampa Political Committee*, 625 So. 2d 840 (Fla. 1993) (election laws should generally be liberally construed in favor of an elector).