Oct 1, 2019

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Florida Attorney General's Office News Release

AG Moody Challenges Misleading Primaries Proposal

TALLAHASSEE, Fla.—Attorney General Ashley Moody today filed a brief challenging a misleading ballot question that would give political parties—not voters—sole control over nominating party candidates for state office. The proposed amendment, All Voters Vote in Primary Elections for State Legislature, Governor, and Cabinet, does away with primaries as Floridians know them and allows political parties to nominate candidates as they choose. The ballot summary does not inform voters that the primary election would essentially be replaced by a general election with a run-off election to follow, if warranted.

Attorney General Ashley Moody said, “The proposed ballot language does not open Florida primaries, it eliminates them, and gives party bosses—not voters—sole discretion over the party candidate nominating process. This proposed summary does not disclose that fact to voters and would undo a system set up to prevent political corruption and closed-door deal making.

“The primary process was adopted to eliminate the good-ole-boys clubs of yesteryear, when party brass in smoke-filled rooms chose the party’s candidates. While this proposed ballot question purports to improve upon Florida’s system for electing leaders, the ballot title and summary hide the fact that it would explicitly allow political parties to select candidates through a closed process.”

Under Florida Statutes § 16.061, the Attorney General is required to file a petition with the Florida Supreme Court seeking an advisory opinion once an initiative is certified by the Secretary of State as crossing a threshold of signatures. Article XI, §3 of the Florida Constitution and Section 101.161 of the Florida Statutes impose requirements on the titles and summaries of initiatives, so that Florida’s citizens will know what they are voting on and not be misled.

In accordance with state law and Florida’s Constitution, Attorney General Moody is also challenging several additional misleading initiatives. The office has not challenged the minimum wage initiative—a proposed one-sentence change to the State Constitution.

To view the petition filed by the Attorney General’s Office, click here.

The Florida Supreme Court will set a briefing schedule following the filing of Financial Impact Estimating Conference report.