

3. ISSUES:

- A. Whether the title and summary clearly and accurately inform the voter of the chief purpose of the Amendment?
- B. Whether the language of the title and summary, as written, is likely to mislead the public?
- C. Whether Section 403.412(9)(a), Florida Statutes, expressly and directly pre-empts the Speak Up Titusville Charter Amendment?
- D. If Section 403.412(9)(a), Florida Statutes, is found to pre-empt the Speak Up Titusville Charter Amendment, is the Statute unconstitutional?

4. CONSTITUTION AND RELEVANT STATUTES:

A. 166.031

(1) The governing body of a municipality may, by ordinance, or the electors of a municipality may, by petition signed by 10 percent of the registered electors as of the last preceding municipal general election, submit to the electors of said municipality a proposed amendment to its charter, which amendment may be to any part or to all of said charter except that part describing the boundaries of such municipality. The governing body of the municipality shall place the proposed amendment contained in the ordinance or petition to a vote of the electors at the next general election held within the municipality or at a special election called for such purpose.

(2) Upon adoption of an amendment to the charter of a municipality by a majority of the electors voting in a referendum upon such amendment, the governing body of said municipality shall have the amendment incorporated into the charter and shall file the revised charter with the Department of State. All such amendments are effective on the date specified therein or as otherwise provided in the charter.

B. 101.161

(1) Whenever a constitutional amendment or other public measure is submitted to the vote of the people, a ballot summary of such amendment or other public measure shall be printed in clear and unambiguous language on the ballot after the list of candidates, followed by the word "yes" and also by the word "no," and shall be styled in such