

By Commissioner Marshall

1                                   A proposal to revise  
2       ARTICLE I, s. 5, Fla. Const.; providing that  
3       the rights of electoral participation and  
4       political association are fundamental;  
5       providing for strict judicial scrutiny of any  
6       law that burdens the exercise of those rights.

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8   It is proposed by the Florida Constitution Revision Commission  
9   that:

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11       Section 1. Section 5 of Article I of the Florida  
12   Constitution is revised by amending that section to read:

13                                   ARTICLE I

14                                   DECLARATION OF RIGHTS

15       SECTION 5. Right to assemble and associate.--The  
16   people shall have the right peaceably to assemble, to instruct  
17   their representatives, and to petition for redress of  
18   grievances. The rights of electoral participation and  
19   political association are fundamental; any law burdening their  
20   exercise is subject to strict judicial scrutiny for legitimacy  
21   regarding ends and means, and must be supported by clear and  
22   convincing evidence. Political choices and competition are  
23   primary interests of the citizenry.