IN THE SUPREME COURT OF FLORIDA

Case No. SC19-1341

ADVISORY OPINION TO THE GOVERNOR
RE: IMPLEMENTATION OF AMENDMENT 4,
THE VOTING RESTORATION AMENDMENT

Brief of THE FLORIDA SENATE; and BILL GALVANO, in his official capacity as President of the Florida Senate

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SUMMARY OF THE ARGUMENT

Article VI, section 4 of the Florida Constitution should be interpreted based on the plain language of the text. There is no ambiguity in the text which requires resorting to an extra-textual means of interpretation.

The word "felony" is defined in the Florida Constitution and that definition is controlling.

The word "terms" means all of the various conditions and punishments a court has ordered at sentencing.

The word "sentence" means the punishment and penalties imposed pursuant to statute by the court. The parameters of a sentence are set by the Legislature and are required to be included in a written judgment. When a sentence is imposed jeopardy attaches and a defendant may challenge the sentence under Florida Rules of Criminal Procedure 3.800(b). The Legislature has statutorily concluded, and the Court has held, fines, fees, costs, and restitution are part of a sentence. Therefore, it follows that such penalties are part of a sentence for purposes of interpreting the scope of the restoration of voting rights under Article VI, section 4.

Even if the Court finds the provision ambiguous, the statutes passed by the Legislature to implement Amendment 4 resolve any ambiguity because it is the Legislature's role to implement constitutional provisions.

The Court must answer the Governor's question in the affirmative and clarify that financial obligations ordered as part of a sentence need to be completed before the restoration of voting rights.

ARGUMENT

I. Introduction

Prior to the passage of the Voting Rights Restoration for Felons Initiative (Amendment 4) in 2018, Article VI, section 4 of the Florida Constitution (Disqualifications section) read "[n]o person convicted of a felony, or adjudicated in this or any other state to be mentally incompetent, shall be qualified to vote or hold office until restoration of civil rights or removal of disability." Art. VI, § 4, Fla. Const. (2017).

The Disqualifications section has been upheld in the face of various challenges. In *Johnson v. Governor of State of Fla*., 405 F.3d 1214 (11th Cir. 2005) (en banc), the section was challenged based on the Fourteenth Amendment Equal Protection Clause and Section 2 of the Federal Voting Rights Act. After tracing the history of felon disqualification in Florida, the federal court ruled there was no proof of racial animus in the Disqualification section and, therefore, there was no violation of the Fourteenth Amendment or the Voting Rights Act. *See also Hand v. Scott,* 888 F.3d 1206 (11th Cir. 2018) (holding the Executive Clemency Board was likely to prevail on First Amendment, Equal Protection, and Voting Rights Challenges).

Under Article IV, section 8 of the Florida Constitution, "the power of pardon and restoration of civil rights vest in the executive." *In re Advisory Opinion of the Governor Civil Rights,* 306 So. 2d 520 (Fla. 1975). The Court in *Civil Rights* explained that since the Governor holds the power of clemency, the Legislature is without authority to pass a statute providing for the automatic restoration of civil rights, including the right to vote. The Court has further held "[t]his prohibition against legislative encroachment upon the executive's clemency power is equally applicable to the judiciary." *Sullivan v. Askew,* 348 So. 2d 312, 316 (Fla. 1977) (citing Art. II, § 3, Fla. Const., Separation of Powers).

In addition to the avenue provided through the clemency process, Amendment 4 provides a limited, conditional restoration of the right to vote for convicted felons[1] who complete "all terms of sentence." This conditional restoration in no way abrogates the executive power of clemency to restore rights to any convicted felon the Executive Board of Clemency deems appropriate. It merely creates an alternative path for certain felons who complete all of their punishment to regain voting eligibility. For the Court or the Legislature to go beyond this limited, conditional restoration would be a violation of separation of powers. *See Sullivan*, 348 So. 2d 312 (Fla. 1977).

[1] With the exception "No person convicted of murder or a felony sexual offense shall be qualified to vote until restoration of civil rights." Art. VI, § 4(b), Fla. Const.

In response to Amendment 4's passage, the Legislature enacted Senate Bill 7066-Election Administration, which became Chapter 2019-162, Laws of Florida. It revised various sections of Florida Statutes to conform to the new constitutional provision and standardized procedures for the Secretary of State and supervisors of elections to verify the registration of newly eligible voters. Chapter 2019-162, Laws of Florida, reiterates that the restoration of voting rights is for those who complete their sentence. *See* § 98.075, Fla. Stat. The Act defines what it means to complete all terms of sentence and provides specific avenues by which a felon can satisfy any outstanding terms of sentence. It also requires specified entities to provide information on how felons can restore their voting rights. *See* § 98.075, Fla. Stat. (requiring supervisors of elections to notify voters of instructions for seeking restoration of voting rights); § 940.061, Fla. Stat. (requiring Department of Corrections (DOC) to inform inmates and offenders of voting rights restoration); § 944.705, Fla. Stat. (requiring DOC to include notification of all outstanding terms of sentence in an inmate's release documents); § 947.24 Flat. Stat. (requiring the Florida Commission on Offender Review to provide an offender with notice of outstanding terms of sentence); § 948.041 Fla. Stat. (requiring DOC to provide notice to a probationer of his or her outstanding terms); and § 951.29 Fla. Stat. (requiring county detention facilities to provide notice of outstanding terms).

Chapter 2019-162, Laws of Florida, not only embraced the confines of Amendment 4, but also actively sought to ensure all potentially eligible felons are fully informed of their new rights, of any steps necessary to receive their re-enfranchisement, and of all alternative paths to completing such steps. Chapter 2019-162, Laws of Florida, ensures all felons receive the full benefit of Amendment 4.

The argument that the phrase "terms of sentence" does not include financial obligations imposed by a court at sentencing has been suggested. This argument lacks merit and is not supported in the text of the Florida Constitution or under Florida law.

II. The Meaning of Article VI, Section 4(a) of the Florida Constitution Can Be Determined By a Plain Reading

Article VI, section 4(a) of the Florida Constitution provides:

> No person convicted of a felony, or adjudicated in this or any other state to be mentally incompetent, shall be qualified to vote or hold office until restoration of civil rights or removal of disability. Except as provided in subsection (b) of this section, any disqualification from voting arising from a felony conviction shall terminate and voting rights shall be restored upon completion of all terms of sentence including parole or probation.

The Governor has asked whether the phrase "completion of all terms of sentence" under Article VI, section 4 of the Florida Constitution includes the satisfaction of all legal financial obligations, namely fees [costs][2], fines, and

[2] Fees and costs are used interchangeably in Chapter 938, Fla. Stat., and in case law. *See V.K.E. v. State*, 934 So. 2d 1276, 1282 (Fla. 2006); *see also Cook v. State*, 896

restitution ordered by the court as part of a felony sentence that would otherwise render a convicted felon ineligible to vote. The following operative words must be defined to understand what this section means: "felony," "terms," and "sentence."

Analysis of a constitutional provision begins with the plain language of the provision. When such language "is clear, unambiguous, and addresses the matter in issue, then it must be enforced as written." *Israel v. Desantis*, 269 So. 3d 491, 495 (Fla. 2019) (citing *Zingale v. Powell*, 885 So. 2d 277, 282 (Fla. 2004)) (quoting *Fla. Soc'y of Ophthalmology v. Fla. Optometric Ass'n*, 489 So. 2d 1118, 1119 (Fla. 1986)).

The word "felony" for purposes of the Constitution and all laws of this state is defined to mean "any criminal offense that is punishable under the laws of this state, or that would be punishable if committed in this state, by death or by imprisonment in the state penitentiary." Art. X, § 10, Fla. Const.

So. 2d 870 (Fla. 2d DCA 2005) (stating "[p]ursuant to section 938.29, there is no requirement that the court determine the defendant's ability to pay a public defender's *fee* prior to imposing this *cost*. *See also Bull v. State*, 548 So. 2d 1103, 1105 (Fla.1989) (stating that section 27.56, predecessor to section 938.29, 'provides for the assessment of *fees and costs* as a matter of law...')"). (emphasis added). This brief will use the word "costs" as that is the word more commonly referenced in statute and in case law.

A. "Terms" Means the Conditions Imposed as Punishment

The plain meaning of the word "terms" within the context of Article VI, section 4(a) of the Florida Constitution is the punishments or conditions that are set forth within the scope of a sentence. There are three key reasons why this is the plain meaning. First, it is important to note that Article VI, section (4)(a) uses the word "terms" in the plural rather than "term" in the singular. The word "terms" *plural* means "provisions that determine the nature and scope of an agreement." *Term*. Merriam-Webster Online (2019);[3] *see also* Term, *Black's Law Dictionary* (11th ed. 2019) (defining the word "term," plural, as "provisions that define an agreement's scope; conditions or stipulations <terms of sale>."). As opposed to the word "term" *singular* which means "a limited or definite extent of time." *Term*. Merriam-Webster Online (2019)[4]; *see also* Term, *Black's Law Dictionary* (11th ed. 2019) (defining the word "term," singular, as "a fixed period of time; esp., the period for which an estate is granted <term of years>.").

Moreover, the Constitution provides the following rule of construction: "the singular includes the plural." Art. X, § 12(b), Fla. Const. If the intent was to limit the effect of the provision solely to the temporal elements of a criminal sentence, it would have been proper to use the word "term" instead of "terms." The fact that

[3] Available at: https://www.merriam-webster.com/dictionary/term [Accessed 12 Sep. 2019].
[4] *Id*.

"terms" was used in the plural indicates a difference in meaning, not just a multiplicity of number.

Second, the word "term" in the context of criminal sentencing usually has one of two meanings. It may refer to a period of time, such as that of a term of incarceration. *See e.g.* § 775.082(1)(b)1., Fla. Stat., which provides that a person convicted under this subparagraph "shall be punished by a term of imprisonment for life."[5] It may also mean a requirement that needs to be satisfied. *See e.g.* § 948.03, Fla. Stat., which is entitled "Terms and conditions of probation" and lays the framework for the court to order specific "terms" or conditions of probation. The fact that felony sentences may include nontemporal elements, such as work requirements, no contact restrictions, and location monitoring, as well as fines, costs, and restitution, illustrates why the "terms" in the conditional sense is the proper interpretation of the meaning of the word "terms" within the constitutional provision. If the word "terms" in the provision was intended to refer strictly to a temporal limitation, then the provision simply would have referenced a part of a sentence that is temporally restricted through the use of words such as "a term of incarceration," rather than the broader use of the word "sentence."

[5] There are three instances of "terms of imprisonment" in Florida Statutes. *See* Fla. § 775.0841, § 775.087, and § 817.568, Fla. Stat. In each of these instances the word "terms" is used because of a plural context.

Third, every part of a section must be given effect in accordance with the applicable rules of construction. *See Hechtman v. Nations Title Ins. of New York, et. al.*, 840 So. 2d 993, 996 (Fla. 2003) (stating "[i]t is an elementary principle of statutory construction that significance and effect must be given to every word, phrase, sentence, and part of the statute if possible and words in a statute should not be construed as mere surplusage.") "When reviewing constitutional provisions, this Court 'follows principles parallel to those of statutory interpretation.'" *Ford v. Browning,* 992 So. 2d 132, 136 (Fla. 2008) (quoting *Zingale*, 885 So. 2d at 282). If the words "completion of all terms of sentence" were intended to simply mean a period of time, the phrase "terms of" would be reduced to mere surplusage. The same effect could be had by using the phrase "completion of sentence." It is clear the constitutional imperative before someone convicted of a felony may have his or her voting rights restored is not to merely finish his or her temporal portion of a sentence, but to finish "all terms" thereof.

B. "Sentence" Means the Punishments Authorized by Statute and Imposed by the Court

The Constitution does not define the word "sentence." However, as discussed below, related constitutional provisions, such as Article I, section 9, which protects against Double Jeopardy, help define the contours of what is a "sentence" even though they do not use that express word.

The Florida Rules of Criminal Procedure define the word "sentence" to mean "the pronouncement by the court of the penalty imposed on a defendant for the offense of which the defendant has been adjudged guilty." Fla. R. Crim. P. 3.700. Furthermore, the plain meaning of the word "sentence" in this context is "one formally pronounced by a court or judge in a criminal proceeding and specifying the punishment to be inflicted upon the convict; the punishment so imposed." *Sentence*. Merriam-Webster Online (2019).[6] Similarly, Black's Law Dictionary defines the word "sentence" to mean "the judgment that a court formally pronounces after finding a criminal defendant guilty; the punishment imposed on a criminal wrongdoer <sentence of 20 years in prison>." *Sentence,* Black's Law Dictionary (11th ed. 2019).

It is well recognized that the "prescribed punishment for a criminal offense is clearly substantive law." *Benyard v. Wainwright*, 322 So. 2d 473, 475 (Fla. 1975) (citing *State v. Garcia*, 229 So. 2d 236 (Fla. 1969)). Florida courts have frequently recognized that the Legislature is "the organ of government tasked with defining criminal offenses and prescribing sentences." *Walsh v. State* 198 So. 3d 783, 788 (Fla. 2d DCA 2016). This Court has stated, "[a]dditionally, the determination of maximum and minimum penalties is a matter for the Legislature. Also, when a

[6] Available at: https://www.merriam-webster.com/dictionary/sentence [Accessed 10 Sep. 2019]

statutory sentence is not cruel and unusual on its face it will be upheld against an attack based on separation of powers grounds." *Lightbourne v. State*, 438 So. 2d 380, 385 (Fla. 1983) (citing *Sowell v. State*, 342 So. 2d 969 (Fla. 1977)).

The Legislature has set forth a uniform system of classifying offenses and punishments and created a statutory criminal sentencing scheme. *See* chapters 775 and 921, Fla. Stat., respectively; *see also Hall v. State*, 823 So. 2d 757, 762-764 (Fla. 2002) (upholding the constitutionality of the Criminal Punishment Code and declaring that a statutory sentencing scheme, such as the Code, is substantive in nature). One of the general purposes of the Florida Criminal Code is "to give fair warning to the people of the state in understandable language of the nature of the conduct proscribed and of the sentences authorized upon conviction." § 775.012(2), Fla. Stat.

The Florida Statutes mandate the inclusion of fines, restitution, or costs within the terms of a sentence. Section 775.083(1), Florida Statutes, provides "[a] person who has been convicted of an offense other than a capital felony may be *sentenced to pay a fine* in addition to any punishment described in s. 775.082; when specifically authorized by statute, he or she may be *sentenced to pay a fine* in lieu of any punishment described in s. 775.082." § 775.083 Fla. Stat. (quoted in relevant part, emphasis added). The Legislature has mandated specific fines for certain felony offenses. For example, if an individual is trafficking in cannabis in excess of 25

pounds, but less than 2,000 pounds, the court is required to order the individual to pay a fine of $25,000. § 893.135, Fla. Stat.

At the same time Article VI, section 4(a) was amended, voters also approved an expansion of the constitutional protection of victim rights by adding Article I, section 16(b)(9) to the Florida Constitution: "The right to full and timely restitution in every case and from each convicted offender for all losses suffered, both directly and indirectly, by the victim as a result of the criminal conduct." This right gives a constitutional dimension to section 775.089(1)(a), Florida Statutes, and should be applied "throughout the criminal and juvenile justice processes." Art. I, § 16(d), Fla. Const. Thus, this provision requires the inclusion of restitution within any sentence where losses have been suffered.

Section 775.089, Florida Statutes, requires a court to order "the defendant to make restitution to the victim for: 1. Damage or loss caused directly or indirectly by the defendant's offense; and 2. Damage or loss related to the defendant's criminal episode, unless it finds clear and compelling reasons not to order such restitution." § 775.089(1)(a), Fla. Stat. The court also has the authority if it finds "[t]he need for payment of restitution to the victim outweighs the need for a prison sentence" to use restitution as a grounds for a downward departure. *See* § 921.0026(2)(e), Fla. Stat. It would be incongruous to say that restitution is not part of the sentence when it is grounds for reducing the period of incarceration.

Costs are also statutorily required to be included within a sentence. *See e.g.* § 938.27, Fla. Stat. (requiring costs of prosecution, including certain investigative costs, to be included in every judgment rendered against the convicted person). Additionally, a court cost of $50 is required to be assessed and collected in each instance a defendant is convicted of a felony. § 775.083(2), Fla. Stat. Chapter 938, Florida Statutes, was created to consolidate and categorize the provisions relating to court costs to facilitate the uniform imposition and collection of court costs. Ch. 97-271, § 1, Laws of Fla. For example, any person found guilty of a felony is required to pay $225. *See* § 938.05(1)(a), Fla. Stat.

Courts also include fines, costs, and restitution in relation to double jeopardy considerations and illegal sentencing motions. This Court has ruled "[a] lawful sentence may comprise several penalties, such as incarceration, probation, and a fine. Nevertheless, a sentence like the one before us in this case is but one sentence." *Morganti v. State,* 573 So. 2d 820, 821 (Fla. 1991). It is important to look at double jeopardy because it is prohibited by Article I, section 9 of the Florida Constitution: "No person shall be deprived of life, liberty or property without due process of law, or be twice put in jeopardy for the same offense, or be compelled in any criminal matter to be a witness against oneself." "Where the constitution contains multiple provisions on the same subject, they must be read in pari materia to ensure a consistent and logical meaning that gives effect to each provision." *Advisory*

Opinion to the Governor-1996 Amendment 5 (Everglades), 706 So. 2d 278, 281 (Fla. 1997).

In analyzing whether double jeopardy violations have occurred, a court must consider what is and what is not part of a sentence.

> "Under double jeopardy principles, a defendant's sentence cannot be increased after he begins serving it. *Ashley v. State*, 850 So. 2d 1265, 1267 (Fla. 2003). However, to be part of a sentence for double jeopardy purposes, a particular sanction must constitute criminal, rather than civil, punishment. *See Hudson v. United States*, 522 U.S. 93, 98–99, 118 S.Ct. 488, 139 L.Ed.2d 450 (1997). "Whether a particular punishment is criminal or civil is, at least initially, a matter of statutory construction. A court must ... ask whether the Legislature, in establishing the penalizing mechanism, indicated either expressly or impliedly a preference for one label or the other." *Id*. at 99, 118 S.Ct. 488" *Martinez v. State*, 91 So. 3d 878, 879-880 (Fla. 5th DCA 2012). (Citation and quotation marks omitted in original. Footnote omitted).

Therefore, only criminal penalties imposed as part of a sentence are impacted by double jeopardy concerns. It follows then that in reading the Constitution in pari materia, it would be logical to use the same definition of sentence in Article VI, section 4 as is used in making double jeopardy determinations.

If a fine has been imposed, jeopardy has attached and the penalty cannot be increased. *See Charles v. State*, 59 So. 3d 291 (Fla. 3d DCA 2011). "Unlike civil damages, restitution is a criminal sanction. The purpose of restitution is not only to compensate the victim, but also to serve the rehabilitative, deterrent, and retributive goals of the criminal justice system." *Spivey v. State*, 531 So. 2d 965, 967 (Fla. 1988); *Strickland v. State*, 681 So. 2d 929 (Fla. 3d DCA 1996) (holding that jeopardy

attaches when a lawful restitution order is entered and the amount cannot be increased at a later point in time). "Costs of prosecution are a criminal sanction and thus are part of a sentence for purposes of double jeopardy." *See Martinez v. State,* 91 So. 3d 878, 880 (Fla. 5th DCA 2012). The *Martinez* court also observed, "[p]ayment of costs of prosecution may be enforced by, among other methods, reducing them to a civil judgment. *See* §§ 938.27(5) and 938.30(6), (12), Fla. Stat.; *Woods v. State,* 879 So. 2d 651, 653 & n. 1 (Fla. 5th DCA 2004). However, the fact that one method for enforcing these costs is by civil means does not alter the criminal nature of the sanction." *Id.* at n. 2.

If a fine is incorrectly assessed, then it is subject to correction under the Florida Rules of Criminal Procedure 3.800(b) Motion to Correct Sentencing Error. *See Nix v. State*, 84 So. 3d 424 (Fla. 1st DCA 2012). "[T]he imposition of costs without statutory authority is a "sentencing error" for purposes of Rule 3.800(b)." *See Jackson v. State,* 983 So. 2d 562, 574 (Fla. 2008). Courts have also recognized that "[r]estitution is a mandated part of sentencing, and the failure to impose restitution as part of a sentence results in an incomplete sentence that is subject to timely modification." *See Kittelson v. State,* 980 So. 2d 533, 535 (Fla. 5th DCA 2008); *see also Moment v. State,* 645 So. 2d 502 (Fla. 4th DCA 1994) (holding the defendant is entitled to counsel at restitution hearing since it is part of sentencing).

Article VI, section (4)(a) explicitly requires the completion of probation and parole before voting rights are restored. While courts have held fines, costs, and restitution are clearly part of a sentence, community control programs, such as parole and probation, are not always considered as such. These types of releases are not seen as a form of punishment, but rather as an act of grace of the state. *See e.g.* § 947.002, Fla. Stat.; *see also Bell v. State*, 179 So. 3d 349, 351 (Fla. 5th DCA 2015). The eligibility and conditions of parole are not established by a sentencing court. The Commission on Offender Review (formerly the Parole and Probation Commission), which has been effectively abolished for offenders who were sentenced for crimes committed on or after October 1, 1983, administers parole and does not have sentencing authority.[7] *See Hipke v. Parole and Probation Commission*, 380 So. 2d 494 (Fla. 1st DCA 1980).

Probation is a form of community supervision requiring specified contacts with probation officers and other terms and conditions. § 948.001, Fla. Stat. Under Florida law, a probationary period is generally not considered a "sentence." *Landeverde v. State*, 769 So. 2d 457, 462 (Fla. 4th DCA 2000). The court does not "sentence" a defendant when it modifies probation or community control. *State v. Folkes*, 190 So. 3d 118, 119 (Fla. 4th DCA 2015) (citing *State v. Gray*, 721 So. 2d

[7] As of May 21, 2016, there are approximately 4,552 inmates who are still eligible for parole consideration and numerous offenders who are still under parole supervision. *See* https://www.fcor.state.fl.us/release-types.shtml.

370, 370-371 (Fla. 4th DCA 1998). However, in some instances courts have considered probation to be a "sentence" for various reasons, for example, for purposes of double jeopardy protection against multiple punishments. *See Landeverde v. State*, 769 So. 2d 457, 463 n.3 (Fla. 4th DCA 2000).

Such variations in interpretation and application explain why Article VI, section 4 expressly included the word "parole or probation." Otherwise, there could be ambiguity about whether a term or condition of probation or parole was necessary to be completed before a convicted felon would have his or her voting rights restored.

III. Any Ambiguity Can Be Resolved by a Contemporaneous Legislative Interpretation

If the Court finds the word "terms" or "sentence" to have several reasonable meanings, it is a fundamental rule of constitutional construction that "if the Legislature has by statute adopted [a meaning], its action in this respect is well-nigh, if not completely controlling." *Greater Loretta Imp. Ass'n v. State ex rel. Boone*, 234 So. 2d 665, 669 (Fla. 1970); *see also Brown v. Firestone*, 382 So. 2d 654, 671 (Fla. 1980) (noting a relevant statute the Legislature enacted only three years after the adoption of the constitutional amendment and finding that a relatively contemporaneous construction of the Florida Constitution by the Legislature is strongly presumed to be correct). As the Court has explained:

> The constitution is the framework of the government containing the general principles upon which the government must function. *City of Jacksonville v. Continental Can*, 113 Fla. 168, 151 So. 488 (1933). It is

> not designed to provide detailed instructions for the method of its implementation. This must of necessity be left up to the Legislature. *Johns v. May* 402 So. 2d 1166, 1169 (Fla. 1981).

The Legislature in chapter 2019-162, Laws of Florida, created section 98.0751, Florida Statutes, to implement the phrase "completion of all terms of sentence" for the purposes of Article VI, section (4). Section 98.0751, Florida Statutes, defines the phrase to mean "any portion of a sentence that is contained in the four corners of the sentencing document," including "restitution ordered to a victim by the court as part of a sentence" and "full payment of fines or fees ordered by the court as a part of the sentence." § 98.0751, Fla. Stat. (quoted in part). The definition explicitly states financial obligations only "include the amount specifically ordered by the court *as part of the sentence* and do not include any fines, fees, or costs that accrue after the date the obligation is ordered." § 98.0751, Fla. Stat. (emphasis added).

The Court must presume the definition contemporaneously provided by the Legislature in implementation of the constitutional amendment is correct and, find that court-ordered financial obligations including, restitution, fines, and costs, are included within the meaning of "sentence" and, therefore, must be paid to satisfy "completion of all terms of sentence" as required by Art. VI, section 4 of the Florida Constitution before a felon may have his or her voting rights restored.

CONCLUSION

The Court must answer the Governor's question in the affirmative. Any reasonable interpretation of "completion of all terms of sentence" must include the financial obligations ordered as part of a sentence. To answer otherwise would be an unnatural limitation of the provision and go beyond the language the voters approved.

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