

# Florida Cannabis Legalization Campaign Challenges Signature Rejections as Deadline Nears

A campaign seeking to place marijuana legalization on Florida's 2026 ballot has launched another legal challenge, accusing state officials of improperly rejecting tens of thousands of voter signatures at a critical stage in the qualification process.

Smart & Safe Florida, the organization behind the proposed ballot initiative, filed a lawsuit in Leon County circuit court this week, arguing that recent directives from the Florida Secretary of State's office have resulted in the unlawful invalidation of approximately 71,000 petition signatures—potentially threatening the campaign's ability to meet statutory requirements before the February 1 deadline.

## Disputed Signature Invalidations

According to the lawsuit, Secretary of State Cord Byrd directed county election supervisors to discard roughly 42,000 signatures from voters classified as "inactive," along with an additional 29,000 signatures collected by petition circulators who were not Florida residents.

Inactive voters, while still registered and legally eligible to vote, are individuals whose mailing addresses could not be confirmed due to undeliverable mail. Under Florida law, such voters remain eligible unless they fail to vote in two consecutive general elections. The campaign argues that excluding their petition signatures creates a contradiction in election law.

As stated in the lawsuit, voters deemed "inactive" would still be allowed to vote on the proposed amendment, yet their signatures are being rejected for purposes of placing that same amendment on the ballot.

## Legal Uncertainty Around Out-of-State Petitioners

The lawsuit also challenges the rejection of signatures collected by non-Florida residents. A law enacted earlier this year prohibits out-of-state petition circulators, but its enforcement was temporarily blocked by a federal court injunction before that injunction was later stayed.

Smart & Safe Florida maintains that signatures gathered during the injunction period were legally collected and should not be retroactively invalidated. Rejecting them now, the campaign argues, undermines due process and introduces uncertainty into the ballot qualification system.

## Signature Threshold Remains in Question

To qualify for the 2026 ballot, the campaign must submit 880,062 valid signatures. As of now, the state has verified approximately 675,307. While Smart & Safe Florida has publicly stated it collected more than one million signatures, the pace and scope of invalidations have raised concerns about whether enough will ultimately be certified in time.

The current legal action follows an earlier court decision that upheld the invalidation of roughly 200,000 signatures due to technical deficiencies related to the petition's text. Although the campaign disputed that ruling, it declined to appeal, citing confidence that it had sufficient remaining signatures.

## **Broader Legal and Political Challenges**

Complicating matters further, Florida's attorney general recently asked the state Supreme Court to review the constitutionality of the revised legalization proposal. The court agreed to hear the case and has scheduled briefing deadlines for both state officials and the campaign in the coming months.

This review mirrors earlier legal battles over a prior version of the initiative, which passed with a majority of voters in 2024 but failed to reach the 60 percent threshold required for constitutional amendments. That earlier measure faced opposition from state officials, including Governor Ron DeSantis and then-Attorney General Ashley Moody.

## **Changes in the Revised Proposal**

Smart & Safe Florida submitted the current initiative just months after the 2024 defeat, incorporating revisions intended to address criticisms raised during the previous campaign. Notably, the new version explicitly prohibits smoking or vaping marijuana in public places and requires legislative approval for rules governing the time, place, and manner of public consumption.

The campaign hopes these changes will improve the proposal's chances both legally and politically.

## **Ongoing Opposition from State Leadership**

Governor DeSantis has expressed skepticism about the initiative's prospects, suggesting it may face significant hurdles at the state Supreme Court. He has reiterated his view that marijuana policy should be addressed through legislative action rather than constitutional amendments.

Despite these objections, public opinion appears to favor reform. A February poll found that 67 percent of Florida voters support legalization, including majorities across party lines.

## **Outlook Remains Uncertain**

As legal challenges continue and certification deadlines approach, Smart & Safe Florida finds itself navigating a complex mix of procedural hurdles, judicial scrutiny, and political opposition. Whether the initiative ultimately reaches the 2026 ballot may hinge not only on voter support, but on how courts interpret election law, petition requirements, and the authority of state officials in regulating the initiative process.

For now, the outcome remains unresolved—and the stakes for Florida's cannabis industry continue to rise.

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