

Regular Workshop – December 10, 2012  
Agenda Item 9

Agenda Item: Establishing the Date for the 2013 General Municipal Election and Early Voting Schedule

Presenter: Town Manager and Town Clerk

Summary: The Town's Charter sets the date for the Town's General Election as the third Tuesday in March. As such, the 2013 General Election would be set for March 19, 2013, in accordance with the Charter.

The Charter also provides for the option to align the Town's election with any other County administered election. The Sarasota County Supervisor of Elections offices have advised that they have three other elections currently scheduled on March 12, 2013, and have requested consideration to align the Town's election with this date. Manatee County has indicated that they have no elections currently scheduled in March as other Manatee County municipalities have aligned their schedules to match State and Federal election dates.

Chapter 36, Elections, of the Town Code provides for establishing early voting in accordance with State law and established procedures. The dates for early voting are statutorily restricted.

This item is placed on the December 10, 2012, Regular Workshop Meeting seeking confirmation of the General Election date. Upon confirmation staff will draft the appropriate Resolution to be forwarded to the January 7, 2013, Regular Meeting Agenda for formal action.

Attachments: 12-03-12 Memo, Town Clerk to Manager;  
Page C-5, Town Charter, Section 4, Elections Generally  
E-Mail from Sarasota County Supervisor of Elections

Recommended Action: Pending discussion, provide direction to Manager.

## M E M O R A N D U M

Date: December 3, 2012

**TO:** David Bullock, Town Manager  
**FROM:** Trish Granger, Town Clerk  
**SUBJECT:** Establishing the Date for the Town's General Municipal Election and Early Voting Schedule

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The qualifying deadline for the General Election was November 19, 2012, at 12:00 noon. Six candidates qualified for three Commission seats, as follows:

District At-Large (one-year term):

Mr. Terry Gans, Incumbent  
Mr. Irwin Pastor

District At-Large (two-year term):

Mr. Gene Jaleski  
Mr. Phillip Younger, Incumbent

District 4:

Mr. Jim Brown, Incumbent  
Mr. Larry Grossman

Additionally, the District 2 seat, held by incumbent Commissioner. Jack Duncan, was scheduled for the 2013 General Election. Commr. Duncan is the only qualified candidate for this District and will be reelected in March 2013.

In accordance with Article II, Section 4 of the Town Charter, the 2013 General Municipal Election would occur on the third Tuesday in March. The Charter also provides Commission authority to align the General Election with any other County administered election in March. The Town Clerk's office has verified that Sarasota County has three other scheduled elections on March 12, 2013. Supervisor of Elections Kathy Dent has requested consideration for the Town to align our election with that date.

Manatee County Supervisor of Elections (SOE) office has advised that they do not have any elections scheduled in March 2013 as the other municipalities in the County have aligned their election schedules to coincide with State/Federal elections to reduce costs.

Both County SOE offices have requested information pertaining to the offering of early voting. Florida Election Laws were amended in 2011 to restrict the early voting period, which can begin no sooner than ten days and must end three days prior to the election date.

If the Commission elects to modify the General Election to coincide with Sarasota County's schedule (March 12, 2013), the proposed early voting dates will be:

Dave Bullock, Town Manager  
2013 General Election Date  
December 3, 2012  
Page Two

Saturday, March 2, 2013 - 4 hours (first day)  
Sunday, March 3, 2013 - 4 hours  
Monday, March 4, 2013 - 9 a.m. - 4 p.m.  
Tuesday, March 5, 2013 - 9:00 a.m. to 4 p.m.  
Wednesday, March 6, 2013 - 9:00 a.m. to 4 p.m.  
Thursday, March 7, 2013 - 9:00 a.m. to 4:00 p.m.  
Friday, March 8, 2013 - 9:00 a.m. to 4:00 p.m. (last day)

If the March 19, 2013, date is selected, the early voting dates will be modified to reflect that selection, beginning one week later than noted herein. Early voting can be scheduled at Town Hall for both Counties or can be held in the SOE offices in the Counties if preferred by the Commission. The Town is required to pay for all expenses related to early voting. The 2012 early voting election costs totaled \$3,728.75 (\$1,620 to Manatee County and \$2,108.75 to Sarasota County).

If the Town Commission is anticipating placing any ballot questions/referendums on the March ballot, in addition to the contested races, the deadline for submission to the SOE offices is January 4, 2013.

A Resolution will be forwarded to the January 7, 2013, Regular Meeting for formal action based on the direction from the Town Commission on establishing the election date and the early voting hours. Subsequent to setting the dates, the Town Clerk's office will provide notification to both SOE offices of the required services, schedule the advertising, Canvassing Board schedule, and other items that coincide with the election process.

The applicable section of the Town Charter pertaining to voting, the e-mail exchange between the Town Clerk and Sarasota County Supervisor of Elections Kathy Dent, and the calendar for the month of March 2013 is attached for reference.

Please advise if you have any questions.

compensation but shall be reimbursed for expenses incurred in connection with official duties.

**Sec. 4. Elections generally.**

When there are more than two (2) qualified candidates for an elective office on the town commission, there shall be both a preliminary and general election. The preliminary election shall be held on the last Tuesday of January **and the general election shall be held on the third Tuesday of March, or, when practicable, in conjunction with any County administered election held in March by the coordinating County, either Sarasota or Manatee County.** If the date of the general election is changed as a result of coordinating with a County, the date of the preliminary election may also be changed in order to comply with State election laws. The names of the first and second highest number of votes cast for a particular office in the preliminary election shall be placed on the ballot for that office at the general election. If no more than two (2) electors qualify as candidates for nomination for each office to be voted upon, then no preliminary election need be held; and such qualified candidates shall be nominees at the next following general election.

**Sec. 5. Conduct of elections.**

The town commission shall, by ordinance, prescribe the method and manner of holding all elections in the town and shall provide when and how special elections shall be called and held, which are not provided for by the terms of this Charter. All elections shall be conducted substantially in accordance with the laws governing state elections insofar as there is no conflict with the terms of the Charter.

**Sec. 6. Hours polls to be open; canvass of returns; certification of election.**

The polls shall be open at the voting places from 7:00 a.m. to 7:00 p.m., or as otherwise provided by law, on the same day, and the time shall be regulated by the customary time in standard use in the Town of Longboat Key on the date of the particular

election. The result of the voting, when ascertained, shall be certified by the Supervisor of Elections or his deputy and delivered to the town clerk who shall transmit the returns to the town commission at a meeting to be held at 7:00 PM within three (3) business days following certification. At such meeting, the town commission shall canvass the returns and the result as shown by such returns shall be declared by the commission to be the result of the election. The town clerk shall thereupon furnish a certificate of election to each person shown to have been elected, and each such person shall take office at that meeting.

**Sec. 7. Judge of qualifications.**

The town commission shall be the judge of the election and qualification of its own members, subject to review by the courts.

**Sec. 8. Vacancies.**

(a) Vacancies in the town commission shall be filled by the town commission, with any person so appointed to be a qualified elector from the district of the vacated commissioner, to serve until the next general municipal election. At the next general municipal election, the vacancy shall be filled by election; the person elected in such election to serve the remaining unexpired term of the town commissioner whose vacant office is being filled. If a vacancy is not filled by the town commission within thirty (30) days after the vacancy occurs, a special election shall be held within ninety (90) days after such a vacancy occurs; and the person so elected shall serve the remaining unexpired term.

(b) Any vacancy resulting from a recall election shall be filled in the manner provided by state laws applicable to recall of municipal officials.

**Sec. 9. Recall of town commissioners.**

All members of the town commission shall be subject to recall as provided by the Laws of the State of Florida.

**From:** Dent, Kathy [KDent@sarasotavotes.com]  
**Sent:** Monday, November 26, 2012 3:14 PM  
**To:** Trish Granger  
**Cc:** Administration 7th Floor; IT Department  
**Subject:** RE: Town of Longboat Key - Preliminary Election - January 2013

Trish:

Cost savings will be minimal but goodwill and a smaller likelihood of errors will be maximized. As usual, you may have early voting on Longboat Key if you pay for it. The deadline for submitting ballot language is January 4.

Short and sweet.

Thanks.

Kathy

**Kathy Dent, CERA**  
*Supervisor of Elections*  
Sarasota County Supervisor of Elections  
101 S. Washington Blvd.  
Sarasota, Florida 34236

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**From:** Trish Granger [<mailto:tgranger@longboatkey.org>]  
**Sent:** Monday, November 26, 2012 3:10 PM  
**To:** Dent, Kathy  
**Subject:** RE: Town of Longboat Key - Preliminary Election - January 2013

I was just preparing the memo to take to the Commission at their December 10<sup>th</sup> workshop.

Their questions will be:

Are there any cost savings?  
Would we still be able to offer early voting on Longboat Key?  
If the Town were to include a referendum question on the ballot, what is the deadline for submitting the ballot language?

Can you advise on those questions. That will assist in their decision.

Thanks!

Trish

**From:** Dent, Kathy [<mailto:KDent@sarasotavotes.com>]

**Sent:** Monday, November 26, 2012 3:02 PM

**To:** Trish Granger; Bob Sweat ([bob@votemanatee.com](mailto:bob@votemanatee.com))

**Cc:** 'Nancy Bignell'; 'Sharon Stief'; Jo Ann Mixon; Administration 7th Floor; IT Department

**Subject:** RE: Town of Longboat Key - Preliminary Election - January 2013

Trish:

We have the City of Sarasota, Tri-Par Estates and Holiday Park all on March 12. Since you do not have a Preliminary, would you consider holding your election on March 12, as well?

Thanks in advance.

Kathy

**Kathy Dent, CERA**

*Supervisor of Elections*

Sarasota County Supervisor of Elections

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**From:** Trish Granger [<mailto:tgranger@longboatkey.org>]

**Sent:** Wednesday, October 10, 2012 11:13 AM

**To:** Dent, Kathy; Bob Sweat ([bob@votemanatee.com](mailto:bob@votemanatee.com))

**Cc:** 'Nancy Bignell'; Bain, Barbara; 'Sharon Stief'; Jo Ann Mixon

**Subject:** Town of Longboat Key - Preliminary Election - January 2013

**Importance:** High

Good Morning,

This e-mail is intended to provide advance notice and seek input on the following situation that may occur for the Town of Longboat Key. I know that you are all busy with the upcoming General Election, but wanted to give as much notice as possible.

If all the individuals who have picked up qualifying paperwork follow through with the qualifying process, it will be required to hold a preliminary election for the Town Commission seats in January 2013. Our Town Charter reads as follows:

#### Sec. 4. - Elections generally.

When there are more than two (2) qualified candidates for an elective office on the town commission, there shall be both a preliminary and general election. The preliminary election shall be held on the last Tuesday of January and the general election shall be held on the third Tuesday of March, or, when practicable, in conjunction with any County administered election held in March by the coordinating County, either Sarasota or Manatee County. If the date of the general election is changed as a result of coordinating with a County, the date of the preliminary election may also be changed in order to comply with State election laws. The names of the first and second highest number of votes cast for a particular office in the preliminary election shall be placed on the ballot for that office at the general election. If no more than two (2) electors qualify as candidates for nomination for each office to be voted upon, then no preliminary election need be held; and such qualified candidates shall be nominees at the next following general election.

Is your office aware of any additional elections in March 2013 (or January) as your websites do not reflect any 2013 election dates at this point?

As noted in our Charter, we can change the date of the general election (third Tuesday in March) and in fact, would have to change the date if we hold the preliminary election on the last Tuesday in January (Jan. 29, 2013). There would not be sufficient time to order ballots with the candidates' names and comply with the 45 day advance mailing requirement for absentee ballots for military and overseas citizens.

If the general election is pushed to the last Tuesday of March, we would only have 10 days to submit the names, proof, order and receive, and mail out the absentee ballots for that date which I think creates the perfect setting for ballot errors.

I would appreciate your advice on this issue and suggestions on how we may need to handle as far as the date to schedule the general election? The qualifying deadline for our candidates is November 19, 2012, at noon. At that time, I will know for certain on the need (or not) for a preliminary election and will advise as quickly as possible.

Thanks,  
Trish Granger  
Town Clerk

# March 2013

		Week 2013							Week 2013						
		Sun	Mon	Tue	Wed	Thu	Fri	Sat	Sun	Mon	Tue	Wed	Thu	Fri	Sat
Feb 24		25	26	27	28	29	30	1	2	3	4	5	6	7	8
2/24 - 3/1															
3		4	5	6	7	8	9								
3/3 - 8		7:00pm 10:00pm ICRM (Chamber / Antie Chamber) - Jo Ann Mixon													
10		11	12	13	14	15	16								
3/10 - 15		10:00am 12:30pm CEB Meeting (Chamber/Antie Chamber)			9:30am 12:30pm ZBA Meeting (Chamber / Antie Chamber)										
17		18	19	20	21	22	23								
3/17 - 22		10:00pm 5:00pm ICRM (Chamber / Antie Chamber) - Jo Ann Mixon	9:00am 12:00pm ICRM Bd Meeting (Chamber/Antie Chamber)												
24		25	26	27	28	29	30								
3/24 - 29			7:00am 8:00pm Statutory Meeting (Chamber / Antie Chamber) - Jo Ann	National Urm came Conference (New Orleans LA)											
31		Apr 1	2	3	4	5	6								
3/31 - 4/3															