

M E M O R A N D U M

Date: December 17, 2012

TO: David Bullock, Town Manager
FROM: Trish Granger, Town Clerk
SUBJECT: Ordinance 2013-05, Establishing the Date for the Town's General Municipal Election and Early Voting Schedule

At the December 10, 2012, Regular Workshop Meeting the Town Commission reached unanimous consensus to align the Town's General Election date with three elections currently scheduled in Sarasota County on March 12, 2013.

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

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

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.

The early voting dates will be established, as follows:

Saturday, March 2, 2013 - 4 hours - 9:00 a.m. - 1:00 p.m.
Sunday, March 3, 2013 - 4 hours - 9:00 a.m. - 1:00 p.m.
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. (final day)

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Early voting will be scheduled at Town Hall for both Counties per Commission direction. 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).

Ordinance 2013-05 is attached for first reading which establishes the election date, early voting hours, and ballot layout, and authorizing the required advertising.

The applicable section of the Town Charter pertaining to election provisions is also attached for reference. Section 6 of the Charter requires the Town Commission to meet within three (3) business days following certification of the election by the Supervisor of Elections. As such, the Statutory Meeting previously scheduled for March 26, 2013, will be rescheduled to March 19, 2013, at 7:00 p.m. for the purpose of canvassing the election returns to comply with Charter provisions.

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.

ORDINANCE 2013-05

AN ORDINANCE OF THE TOWN OF LONGBOAT KEY, FLORIDA, PROVIDING FOR MARCH 12, 2013, AS THE GENERAL ELECTION DATE; PROVIDING FOR EARLY VOTING; PROVIDING FOR BALLOT PRESENTATION; PROVIDING FOR ADVERTISING OF ELECTION; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Town of Longboat Key Charter Article II, Section 4 states "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;" and

WHEREAS, there is no preliminary election; and

WHEREAS, the Sarasota County Supervisors of Elections has requested the Town to hold its general election in conjunction with other Sarasota County administered elections in March; and

WHEREAS, the Town of Longboat Key Code Section 36.06 provides for early voting; and

WHEREAS, early voting provides citizens greater access to elections and facilitates increased voter participation; and

WHEREAS, advertising the elections are required by law and provides citizens with greater knowledge of election ballot issues.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COMMISSION OF THE TOWN OF LONGBOAT KEY, FLORIDA, THAT:

SECTION 1. The above Whereas clauses are ratified and confirmed as true and correct.

SECTION 2. The election date for the General Election is hereby set as Tuesday, March 12, 2013.

SECTION 3. Early voting for the General election shall be conducted at Town Hall, 501 Bay Isles Road, Longboat Key, for seven (7) days beginning Saturday, March 2, 2013, through Friday, March 8, 2013. The hours for early voting shall be 9:00 a.m. to 1:00 p.m. on Saturday and Sunday and 9:00 a.m. to 4:00 p.m., Monday through Friday. Staffing for early voting will be provided through the applicable Supervisor of Elections offices coordinated by the Town Clerk's office.

SECTION 4. The ballot presentation for the General election shall contain the names of the qualified candidates for Town Commission Districts, as follows:

District At-Large (one-year term):

Terry Gans
Irwin Pastor

District At-Large (two-year term):

Gene Jaleski
Phill Younger

District 4:

Jim Brown
Larry Grossman

SECTION 5. Advertising of the election shall comply with State election laws and the Town Charter.

SECTION 6. Copies of this Ordinance shall be provided to the Manatee County Supervisor of Elections and the Sarasota County Supervisor of Elections.

SECTION 7. If any section, subsection, sentence, clause or provision of this Resolution is held invalid, the remainder of the Ordinance shall not be affected.

SECTION 8. This Ordinance shall become effective immediately upon adoption by the Town Commission.

PASSED at a meeting of the Town Commission held the ____ day of _____, 2013.

ADOPTED at a meeting and public hearing of the Town Commission held the ____ day of _____, 2013.

James L. Brown, Mayor

ATTEST:

Trish Granger, Town Clerk



End of Agenda Item