



COUNTY ATTORNEY'S OFFICE
JEFFREY J. NEWTON, County Attorney

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SEE MINUTES
FOR MOTION

JUL 29 2014 KHBS

MEMORANDUM

TO: Mayor Teresa Jacobs
and
County Commissioners

FROM: Jeffrey J. Newton, County Attorney
Katherine Latorre, Assistant County Attorney
Contact: (407) 836-9651

JMN
KML

DATE: July 16, 2014

RE: **Consent Agenda Item – July 29, 2014**
Resolution Calling a Referendum On Petition Proposing to Move Elections for All Charter Offices Elected Countywide to 2016 and Every Four Years Thereafter, to Abbreviate Any Term of Office Consistent with this Change, and to Change All Charter Office Elections From Nonpartisan to Partisan

Citizens For Informed Elections filed a “Petition to Place Orange County Charter Amendment Regarding Charter Office Elections on Ballot” (“Petition”) with the Supervisor of Elections. On January 2, 2014, the Orange County Supervisor of Elections issued a memorandum to Sean Ashby concluding that the Petition form contained the requisite items from the voter in order for the Supervisor of Election’s office to verify the Petition. Article VI, Section 602(A), of the Orange County Charter requires that within 30 days after the requisite number of names have been verified by the Supervisor of Elections and reported to the Board, that the Board shall, by resolution, call a referendum on the question of the adoption of the proposed petition to be held at the next primary, general or special election occurring at least 45 days after the adoption of such resolution.

On July 2, 2014, the Orange County Supervisor of Elections reported to the Board that he had verified the requisite number of names related to the Petition. Pursuant to Article VI, Section 602(A) of the Orange County Charter, the Board must adopt a resolution calling a referendum on the adoption of the proposed petition no later than August 1, 2014.

The January 2, 2014 memorandum to Sean Ashby and the July 2, 2014 report to the Board are attached hereto. The Resolution calls for a referendum election on the proposed petition at the next primary, general or special election occurring at least 45 days after the adoption of the resolution. The resolution also sets forth the ballot title and question, which were prepared by the petition sponsor.

Deputy County Attorney
Joel D. Prinsell

Senior Assistant County Attorneys
Lila McHenry
Edward M. Chew

Assistant County Attorneys
Roberta Alfonso
Linda Brehmer Lanosa
Henry Brown
Anthony Cotter
Dana Crosby-Collier
P. Andrea DeLoach
Whitney E. Evers
Wanzo Galloway, Jr.
Georgiana Holmes
Katherine W. Latorre
Peter A. Lichtman
Sawsan Mohiuddin
Scott Shevenell
William Turner

Legal Administrative Supervisor
Anna M. Caban

Paralegals
Kimberly Cundiff
Cathy Saravanja, CP
Maria Vargas, ACP

July 16, 2014
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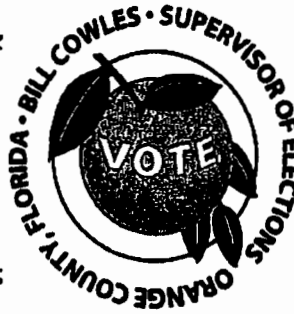
ACTION REQUESTED: Approval of Resolution of the Orange County Board of County Commissioners regarding Calling a Referendum on a Proposal to Move Elections for All Charter Offices Elected Countywide to 2016 and Every Four Years Thereafter, to Abbreviate Any Term of Office Consistent with this Change, and to Change All Charter Office Elections From Nonpartisan to Partisan

Attachments (3)


c: Ajit Lalchandani, County Administrator

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BILL COWLES
Supervisor of Elections
Orange County, Florida



OUR MISSION IS TO:
*Ensure the integrity of the electoral process.
Enhance public confidence.
Encourage citizen participation.*

TO: Sean Ashby
FROM:  Bill Cowles, Supervisor of Elections
RE: Orange County Petition under Section 601(A) Charter
DATE: January 2, 2014

Via email and hardcopy

We have received and reviewed your "Petition to Place Orange County Charter Amendment Regarding Charter Office Elections on Ballot." The petition form contains the required items from the voter in order for this office to verify the petition. The Supervisor of Elections Office is not responsible for the content of the petition. As the sponsor for two active petitions to change the Orange County Charter, be advised that they must be on separate forms with a voter signature on each.

Paragraph A of Section 601 states that, "A petition seeking to amend or repeal the Charter of Orange County shall be signed by ten (10) percent of the county electors in a majority of the commission districts as of January 1 of the year in which the petition is initiated," in this instance January 1, 2014.

As of January 1, 2014, there were 695,449 registered voters in Orange County. Listed below is the number of registered voters by Commission District and the 10% total.

District 1	119,021	11,902
District 2	112,505	11,250
District 3	123,752	12,375
District 4	116,755	11,675
District 5	130,777	13,077
District 6	92,639	9,264

Your petition has been approved and the procedures outlined in Section 602 are in effect. You have 180 days to collect petitions based on this approved petition.

Cc: Mayor Teresa Jacobs
Jeffrey Newton, County Attorney
Nicholas A. Shannin, Attorney for Supervisor of Elections

Petition to Place Orange County Charter Amendment Regarding Charter Office Elections on Ballot

Note: • All information on this form, including your signature, becomes a public record upon receipt by the Supervisor of Elections.

• Per Florida law it is a first-degree misdemeanor, punishable as provided in s. 775.082 or 775.083, Fla. Stat., to knowingly sign more than one petition for an issue.

• If all requested information on this form is not complete, the form will not be valid.

Your name: _____ County: ORANGE
Please Print Name as it appears on your Voter Information Card

Residential street address: _____ City: _____

Zip: _____ Date of Birth: _____ **OR** Voter Registration No _____

I am a registered Florida voter & hereby petition the Orange County Commission to place the following proposed amendment on the ballot.

BALLOT TITLE: MOVING COUNTYWIDE CHARTER OFFICE ELECTIONS AND MAKING ALL CHARTER OFFICE ELECTIONS PARTISAN.

BALLOT SUMMARY: Shall the Orange County Charter be amended to move elections for all Charter offices elected countywide to 2016 and every four years thereafter, abbreviate the term of any office as necessary to comply with this provision, change all Charter office elections from nonpartisan to partisan elections and eliminate procedures required for nonpartisan elections?

ORANGE COUNTY CHARTER PROVISION BEING AMENDED: Section 605. Elections.

~~Sec. 605. Nonpartisan elections. Elections.~~

Notwithstanding any other provision of this Charter, elections for all Charter offices elected countywide shall be held in 2016 and every four years thereafter in the manner prescribed by this Charter. The term of any office subject to this provision shall be abbreviated as necessary to comply with this provision and shall end the same day as the term of office of Orange County Commissioners elected in 2012. Elections for all Charter offices shall be partisan and held in accordance with Florida statutes regarding such elections.

~~Elections for all Charter offices shall include the name be nonpartisan. No candidate shall be required to pay any party assessment or be required to state the party of which the candidate is a member. All candidates' names shall be placed on the ballot without reference to political party affiliation.~~

~~In the event that more than two (2) candidates have qualified for any single office under the chartered government, an election shall be held at the time of the first primary election and, providing no candidate receives a majority of the votes cast, the two (2) candidates receiving the most votes shall be placed on the ballot for the general election.~~

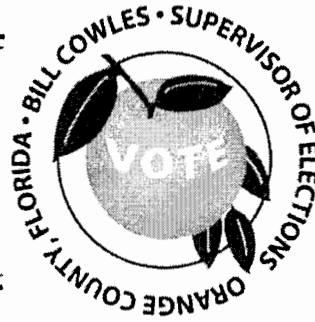
REGISTERED VOTER'S SIGNATURE: _____ SIGNATURE DATE: _____

Paid political advertisement paid for and approved by Citizens for Informed Elections, P.O. Box 4311, Orlando FL 32802-4311.

Paid Petition Circulator's Name: _____ Address: _____

SIGNATURE OF PAID CIRCULATOR: _____

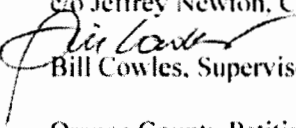
BILL COWLES
Supervisor of Elections
Orange County, Florida



OUR MISSION IS TO:

Ensure the integrity of the electoral process.
Enhance public confidence.
Encourage citizen participation.

TO: Orange County Board of County Commissioners
c/o Jeffrey Newton, County Attorney

From: 
Bill Cowles, Supervisor of Elections

Re: Orange County Petition under Section 601(A) Ordinance

Date: July 2, 2014

Via email and hardcopy - Amended

This written report is issued to the Orange County Board of County Commissioners in compliance with Sections 601 and 602 of the Orange County Charter. A Petition was received on January 2, 2014, titled "Petition to Place Orange County Charter Amendment Regarding Charter Office Elections on Ballot." The 180 day time period for petition submission expired on July 1. Pursuant to Paragraph A of Section 601 and Section 602, the Petitioner was issued correspondence advising that the Charter required the Petitioner to obtain signatures from ten percent (10%) of the county electors in a majority of the commission districts as of January 1, 2014. This correspondence further delineated that requirement as follows, with the delineation of subsequently received valid signatures:

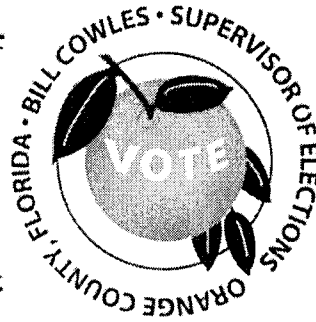
District 1	11,902	valid signatures required:	<u>1,713</u>	valid signatures:
District 2*	11,250	valid signatures required:	<u>11,637</u>	valid signatures:
District 3*	12,375	valid signatures required:	<u>12,783</u>	valid signatures:
District 4*	11,675	valid signatures required:	<u>12,163</u>	valid signatures:
District 5	13,077	valid signatures required:	<u>4,475</u>	valid signatures:
District 6*	9,264	valid signatures required:	<u>9,852</u>	valid signatures:

Accordingly, as of July 1, 2014, this Office has received the requisite number of valid signatures corresponding to the four (4) districts noted above, constituting the requisite majority required per Section 601(A), Orange County Charter. The Supervisor of Elections hereby complies with his duties pursuant to the Charter and provides this written report to the Orange County Board of County Commissioners verifying that the requirements of Sections 601(A) and 602 of the Charter regarding obtaining sufficient signatures has been fulfilled. Attached to this written report for the convenience of the Board is a copy of the January 2, 2014 correspondence issued to the Petitioner, the referenced Petition, and the Orange County Initiative Certification of Signatures issued to the Petitioner on July 2, 2014.

Attachments

cc: Sean Ashby, Citizens for Informed Elections
Nicholas A. Shannin, General Counsel for Supervisor of Elections
Ajit Lachandani, County Administrator
Katherine Latorre, Assistant County Attorney

BILL COWLES
Supervisor of Elections
Orange County, Florida



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ORANGE COUNTY INITIATIVE FINAL CERTIFICATION

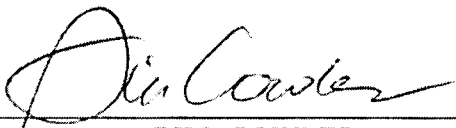
JULY 2, 2014

I, **BILL COWLES**, Supervisor of Elections, Orange County, Florida, do hereby certify that
there were 72,539 petitions submitted for

MOVING COUNTYWIDE CHARTER OFFICE ELECTIONS AND MAKING ALL CHARTER OFFICE ELECTIONS PARTISAN

Of that total, 52,623 were qualified electors of the county and eligible to sign a petition
for this initiative. The initiative has met the petition requirement of valid signatures needed to
qualify. The distribution of qualified electors amongst the six Commission Districts is noted on the
attached spreadsheet, incorporated by reference.

(seal)



BILL COWLES
SUPERVISOR of ELECTIONS

JUL 29 2014 KH/BS

RESOLUTION

of the
ORANGE COUNTY BOARD OF COUNTY COMMISSIONERS
regarding

CALLING A REFERENDUM ON A PROPOSAL TO MOVE
ELECTIONS FOR ALL CHARTER OFFICES ELECTED
COUNTYWIDE TO 2016 AND EVERY FOUR YEARS
THEREAFTER, TO ABBREVIATE ANY TERM OF OFFICE
CONSISTENT WITH THIS CHANGE, AND TO CHANGE ALL
CHARTER OFFICE ELECTIONS FROM NONPARTISAN TO
PARTISAN

Resolution No. 2014-M-41

WHEREAS, Citizens for Informed Elections filed a "Petition to Place Orange County Charter Amendment Regarding Charter Office Elections on Ballot" ("Petition") with the Supervisor of Elections; and

WHEREAS, by memorandum dated January 2, 2014, the Orange County Supervisor of Elections concluded that the Petition form contains the required items from the voter in order for his office to verify the Petition; and

WHEREAS, Article VI, Sections 601 and 602 of the Orange County Charter set forth the requirements and process for Initiative and Referendum; and

WHEREAS, Article VI, Section 602(A) of the Orange County Charter requires that within thirty (30) days after the requisite number of names have been verified by the Supervisor of Elections and reported to the Board of County Commissioners ("Board"), the Board shall, by resolution, call a referendum on the question of the adoption of the proposed petition to be held at the next primary, general or special election occurring at least 45 days after the adoption of such resolution; and

WHEREAS, the Orange County Supervisor of Elections has verified the requisite number of names and reported to the Board in an amended memorandum dated July 2, 2014; and

WHEREAS, pursuant to Article VI, Section 602(A) of the Orange County Charter, the Board desires to call a referendum on the question of the adoption of the proposed Petition to be held at the next primary, general or special election occurring at least 45 days after the adoption of this resolution.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF ORANGE COUNTY, FLORIDA:

Section 1. Referendum Called. That a referendum is hereby called pursuant to Article VI, Section 602(A) of the Orange County Charter, and the Orange County Supervisor of Elections is hereby directed to present the proposed Petition to the Orange County electorate and place the below-described ballot question on the next primary, general or special election occurring at least 45 days after the adoption of this resolution. The Board further authorizes the cost of such referendum and the cost of communicating factual information regarding the proposed Petition to the public, to the extent permitted by section 106.113, Florida Statutes, to be paid from the general funds of the county and directs the county mayor to prepare and effect such budget transfers as may be necessary for that purpose.

Section 2. Ballot Title and Question. The substance of the title and measure on the ballot shall read as follows:

Title:

MOVING COUNTYWIDE CHARTER OFFICE ELECTIONS AND MAKING ALL
CHARTER OFFICE ELECTIONS PARTISAN

Question:

Shall the Orange County Charter be amended to move elections for all Charter offices elected countywide to 2016 and every four years thereafter, abbreviate the term of any office as necessary to comply with this provision, change all Charter office elections from nonpartisan to partisan elections and eliminate procedures required for nonpartisan elections?

_____ Yes

_____ No

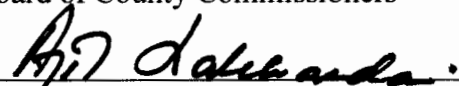
The ballot title and question shall also appear on the ballot in Spanish, which Spanish version has been prepared by the Petition sponsor, and the Orange County Supervisor of Elections is requested, authorized and directed to include the Spanish version on the ballots distributed to county voters.

Section 3. Severability. If any clause, section or provision of this resolution shall be declared unconstitutional or invalid for any reason or cause, the remaining portion of said resolution shall be in full force and effect and be valid as if such invalid portion thereof had not been incorporated herein.

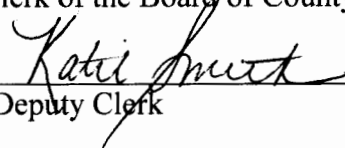
Section 4. Effective Date. This Resolution shall take effect upon the date of its adoption.

ADOPTED THIS 29th DAY OF JULY, 2014.

ORANGE COUNTY, FLORIDA
By: Board of County Commissioners

BY: 
Teresa Jacobs, County Mayor

ATTEST: Martha O. Haynie, County Comptroller
As Clerk of the Board of County Commissioners

BY: 
Deputy Clerk

