

Jeff Modarelli

From: Jeff Modarelli
Sent: Tuesday, September 19, 2017 3:04 PM
To: Cynthia Everett; Bruce G. Roberts; Dean Trantalis; Jack Seiler; Robert McKinzie; Romney Rogers
Cc: Lynnette McIntosh; Maureen Richards; Maxine Singh; MJ Matthews; Robbi Uptegrove; Safeea Ali; Scott Wyman; Tracy Roach; John Herbst; Lee Feldman
Subject: Election Code
Attachments: image001.jpg; image002.png; image003.png; Letter To Fort Lauderdale City Clerk 91917.pdf; FORT LAUDERDALE MUNICIPAL ELECTION SCHEDULE 2018.pdf; RE: Fort Lauderdale Municipal Election Schedule 2018

Good afternoon Mayor and Commissioners.

Per below, should this be discussed today, I wanted to make certain you had the most recent attached communication (Memo) from the SOE.

In addition,
the Clerk's Office normally places an item on the October/November Agenda that sets the election dates and qualifying period for the upcoming election(s).

Jeff

Jeffrey A. Modarelli
City Clerk
City of Fort Lauderdale
100 N. Andrews Ave.
Fort Lauderdale, FL 33301
954-828-5006
jmodarelli@fortlauderdale.gov

From: Cynthia Everett
Sent: Monday, September 18, 2017 3:17 PM
To: Bruce G. Roberts; Dean Trantalis; Jack Seiler; Robert McKinzie; Romney Rogers
Cc: Lynnette McIntosh; Maureen Richards; Maxine Singh; MJ Matthews; Robbi Uptegrove; Safeea Ali; Scott Wyman; Tracy Roach; Cynthia Everett; Jeff Modarelli; John Herbst; Lee Feldman
Subject: FW: Election Code

Good Afternoon Mayor and Commissioners:

We were able to speak with the representatives of the Election Division in Tallahassee last week. Below is a summary of the telephone conference by Assistant City Attorney Tania Amar (she and Senior Assistant City Attorney Paul Bangel participated in the call) which indicates that the 45 day rule does not have to be met. The Supervisor of Elections was not a participant on the call and still maintains that the 45 day rule applies. We can discuss further tomorrow if necessary.

Cynthia

Cynthia A. Everett | City Attorney
City of Fort Lauderdale | City Attorney's Office
100 North Andrews Avenue, Fort Lauderdale, FL 33301
T: 954.828.5037 | F: 954.828.5915 | E: ceverett@fortlauderdale.gov



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From: Tania Amar
Sent: Thursday, September 14, 2017 5:14 PM
To: Paul Bangel
Cc: Cynthia Everett
Subject: RE: Election Code

Although David Fugett specifically stated that they could not provide a legal opinion, he advised that the Department is in agreement with our analysis and review of the Statute and at this time he does not have an issue with us proceeding with our election as scheduled.

Florida Statute 100.3605 specifically states that "the Florida Election Code, chapters 97-106, shall govern the conduct of a municipality's election **in the absence of** an applicable act, charter, or ordinance provision. No charter or ordinance provision shall be adopted which conflicts with or exempts a municipality from any provision in the Florida Election Code that expressly applies to municipalities." Given that the Florida Election Code does not expressly apply to municipal primary elections, Mr. Fugett and Maria Matthews agree that we have some flexibility and that the 45 day does requirement does not apply in light of our charter provisions.

As to our second inquiry as to how much time is needed in a practical sense is needed to get ballots overseas and to uniformed personnel, Ms. Matthews advised that the Department generally defers to the Florida Elections Code and when the question was posed on a very general basis they do maintain that the 45 days is the default and prudent timeline that they recommend using. Again, given that our Charter does not allow for this timeline and the Code does not expressly apply to municipalities, we do not have to adhere to the 45 day timeline. Mr. Fugett directed us to Florida Statute 101.6103(7) which states "with respect to absent electors overseas entitled to vote in the election, the supervisor of elections shall mail an official ballot with a secrecy envelope, a return mailing envelope, and instructions sufficient to describe the voting process to each such elector on a date sufficient to allow such elector time to vote in the election and to have his or her marked ballot reach the supervisor by 7 p.m. on the day of the election." According to the Statute there is no specific timeline/date.

Please note that Mr. Fugett did advise that the Supervisor of Elections is not under any legal obligations to oversee/administer municipal elections and that our office will need to work with her/her office directly to confirm that she agrees with our conclusions and would be willing to proceed with the elections as scheduled.

Tania Marie Amar | Assistant City Attorney
City of Fort Lauderdale | City Attorney's Office
100 North Andrews Avenue, Fort Lauderdale, FL 33301
T: 954.828.5156 | F: 954.828.5915 | E: tamar@fortlauderdale.gov



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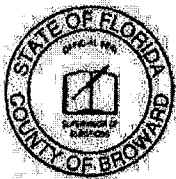
From: Paul Bangel
Sent: Thursday, September 14, 2017 4:57 PM
To: Tania Amar
Cc: Cynthia Everett
Subject: Election Code

Tania, would you please e-mail Cynthia a summary of our conversation with the Division of Elections folks? Thanks.



Paul G. Bangel
Senior Assistant City Attorney
City of Fort Lauderdale
100 North Andrews Avenue, 7th Floor
Fort Lauderdale, FL 33301
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pbangel@fortlauderdale.gov

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SUPERVISOR OF ELECTIONS
Dr. Brenda C. Snipes
BROWARD COUNTY, FLORIDA

BROWARD GOVERNMENTAL CENTER • 115 SOUTH ANDREWS AVENUE, ROOM 102 • FORT LAUDERDALE, FLORIDA 33301 • 954.357.7061

September 19, 2017

Jeff Modarelli, City Clerk
The City of Fort Lauderdale
100 N. Andrews Avenue
Fort Lauderdale, FL 33301


Dear Mr. Modarelli:

Enclosed is the draft calendar for the Municipal Election Cycle for the City of Fort Lauderdale.

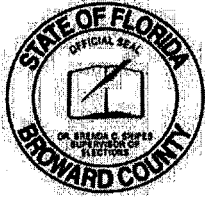
As you are aware, there have been several communication items regarding the appropriate date(s) to conduct your election. The dates included in the attached timeline represent the best dates to ensure that all of the election functions are met in a timely fashion and that every eligible voter will have equal and unfettered access to the balloting process.

Following your review please let me know if you have questions or need clarification on any information that is included.

Sincerely,


Brenda C. Snipes, Ed. D.
Broward County Supervisor of Elections

BCS:ps
Fort Lauderdale Municipal Election Schedule 2018 - 9/19/2017.doc



DR. BRENDA C. SNIPES
Broward County Supervisor of Elections

FORT LAUDERDALE MUNICIPAL ELECTION SCHEDULE

QUALIFYING PERIOD

Begins on Monday, November 6, 2017 at noon, and ends on Monday, November 13, 2017 at noon.

PRIMARY SCHEDULE - January 16, 2018

- | | |
|--|------------|
| ✓ Begin Mailing Vote-by-Mail Ballots to Overseas Voters | 12/02/2017 |
| ✓ Begin Mailing Domestic Vote-by-Mail Ballots | 12/12/2017 |
| ✓ Book Closing Date | 12/18/2017 |
| ✓ Logic & Accuracy Testing | 01/10/2018 |
| ✓ Last Date to Request Vote-by-Mail Ballots to Be Mailed | 01/10/2018 |
| ✓ Last Day to Mail Vote-by-Mail Ballots | 01/12/2018 |
| ✓ Ballot Pick-Up Begins | 01/11/2018 |
| ✓ Election Day | 01/16/2018 |
| ✓ Provisional Ballot Review/ Election Certification | 01/18/2018 |

MUNICIPAL GENERAL ELECTION - March 13, 2018

- | | |
|--|------------|
| ✓ Begin Mailing Vote-by-Mail Ballots to Overseas Voters | 01/27/2018 |
| ✓ Begin Mailing Domestic Vote-by-Mail Ballots | 02/06/2018 |
| ✓ Book Closing Date | 02/12/2018 |
| ✓ Logic & Accuracy Testing | 03/07/2018 |
| ✓ Last Date to Request Vote-by-Mail Ballots to Be Mailed | 03/07/2018 |
| ✓ Last Day to Mail Vote-by-Mail Ballots | 03/09/2018 |
| ✓ Ballot Pick-Up Begins | 03/08/2018 |
| ✓ Election Day | 03/13/2018 |
| ✓ Provisional Ballot Review/ Election Certification | 03/15/2018 |

Jeff Modarelli

From: Patricia Santiago <psantiago@browardsoe.org>
Sent: Tuesday, September 19, 2017 1:41 PM
To: Jeff Modarelli
Cc: Dr. Brenda C. Snipes; Andrea Perri.
Subject: RE: Fort Lauderdale Municipal Election Schedule 2018
Attachments: Letter To Fort Lauderdale City Clerk 91917.pdf; FORT LAUDERDALE MUNICIPAL ELECTION SCHEDULE 2018.pdf

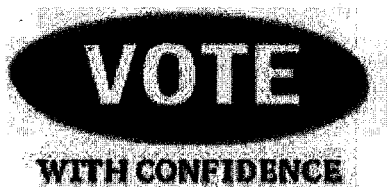
Mr. Modarelli,

Please find a letter from Dr. Brenda Snipes and Election Timeline.

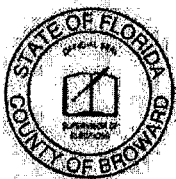
Thank you.

Patricia Santiago
Administrative Assistant to Dr. Brenda C. Snipes
Broward County Supervisor of Elections
115 South Andrews Avenue, Room 102 • Ft. Lauderdale, FL 33301
Office: 954-712-1950 • Fax: 954-357-7070
www.browardsoe.org

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SUPERVISOR OF ELECTIONS

Dr. Brenda C. Snipes
BROWARD COUNTY, FLORIDA

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September 19, 2017

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The City of Fort Lauderdale
100 N. Andrews Avenue
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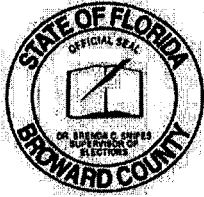
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Sincerely,

**Brenda C. Snipes, Ed. D.
Broward County Supervisor of Elections**

**BCS:ps
Fort Lauderdale Municipal Election Schedule 2018 - 9/19/2017.doc**



DR. BRENDA C. SNIPES
Broward County Supervisor of Elections

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