

Jeff Modarelli

From: Cynthia Everett
Sent: Friday, September 22, 2017 2:38 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; Alain Boileau; Bradley H. Weissman; Candace Duff; Dina Kaizen; Donald Londeree; Gustavo Ceballos; Kimberly Mosley; Lynn Solomon; Paul Bangel; Rhonda M Hasan; Tania Amar
Subject: FW: Letter to Cynthia Everett, Esq. from Counsel for the Supervisor of Elections
Attachments: 201709221241.pdf

Good Afternoon Mayor and Commissioners:

I have just received this correspondence from the attorney for the Supervisor of Elections. The letter states that the Supervisor cannot conduct our election if we keep to our current dates. You will have to make a decision whether to accede to the Supervisor's wishes, negotiate further with the Supervisor or conduct your own election. If you desire to change your dates, you will need to make that decision and adopt an ordinance, which I believe, based on the SOE's position, will give you reasonable cause to do so. Please contact me if you have any questions.

Cynthia

Cynthia A. Everett | City Attorney
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-----Original Message-----

From: bnorris@bnwlegal.com [mailto:bnorris@bnwlegal.com]
Sent: Friday, September 22, 2017 2:13 PM
To: Cynthia Everett
Subject: Letter to Cynthia Everett, Esq.

Please find attached.

Burnadette Norris-Weeks

LAW OFFICE OF
BURNADETTE NORRIS-WEEKS, P.A.

401 NORTH AVENUE OF THE ARTS
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FORT LAUDERDALE, FLORIDA 33302

EMAIL: bnorris@bnwlegal.com

September 22, 2017

Cynthia A. Everett, Esq.
City of Fort Lauderdale, City Attorney
100 North Andrews Avenue
Fort Lauderdale, FL 33301

RE: Florida Statutes, Section 101.64(4)(a)

Dear Ms. Everett,

This letter serves as a response to your inquiry of whether Section 101.64(4)(a), Florida Statutes requiring vote-by-mail ballots to be mailed to uniformed services voters and overseas voters at least 45 days in advance of an election applies to municipalities.

On September 18, 2017, you forwarded to me a summary of conversations that your office has had with the Division of Elections. In short, and according to your summary, the State has advised that your City has "some flexibility and that the 45 day requirement does not apply in light of our charter provisions."

It appears that the Division of Elections has provided conflicting information to the Broward County Supervisor of Elections Office because Maria Matthews, Division Director, specifically referred Broward SOE's staff to Section 100.3605, Florida Statutes which states:

100.3605 Conduct of municipal elections.—

(1) The Florida Election Code, chapters 97-106, shall govern the conduct of a municipality's election in the absence of an applicable special 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.

(2) The governing body of a municipality may, by ordinance, change the dates for qualifying and for the election of members of the governing body of the municipality and provide for the orderly transition of office resulting from such date changes.

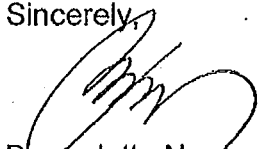
It is my understanding that your City Charter does not specifically address this issue. Notwithstanding the conflicting interpretations pertaining to the applicable statutes, we have already discussed that the voting system devices used by Broward County are not available for both your primary election and the general municipal election date for which the equipment will be used for all other cities holding elections. Specifically, the Municipal General Election is scheduled for March 13, 2018. Eight municipalities, including the City of Fort Lauderdale, are scheduled for this election. Preparation for the General Election will begin with the candidate qualifying period scheduled from January 2, 2018, through January 9, 2018.

Following the qualifying period, several election preparation functions will begin, including the development of the election definition, ballot development and testing, the loading into the system the file of voters who have requested to vote by mail for the election, and the mailing of ballots in a timely manner to all participating vote-by-mail voters. It is important to note, that the system is not designed to process different elections simultaneously, nor in an overlapping configuration.

Adequate timing is critical to the success of any election. The Broward County Supervisor of Elections Office is unable to enter into an agreement to conduct an election where adequate time is not available to process returns.

Please let me know if you have additional questions.

Sincerely,

A handwritten signature in dark ink, appearing to read 'Burnadette', with a stylized flourish at the end.

Burnadette Norris-Weeks, Esq.
General Counsel, Broward County Supervisor of Elections Office