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**MEMORANDUM**

**TO: BRADLEY ARNOLD, COUNTY ADMINISTRATOR**

**FROM: JENNIFER C. REY, ESQ.**  
**THE HOGAN LAW FIRM, LLC AS COUNTY ATTORNEY**

**SUBJECT: REVERSE ONE SUMTER INITIATIVE; ELECTION REQUIREMENTS**

**DATE: DECEMBER 8, 2020**

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The following statutory provisions establish the legal framework that must be considered as the Sumter County Board of County Commissioners undertakes its discussion of a Reverse One Sumter referendum.

Pursuant to Fla. Stat. §124.011(1), “county commissioners shall be nominated and elected to office in accordance with the provisions of s. 124.01, or as otherwise provided by law, unless a proposition calling for single-member representation within the county commission districts is submitted to and approved by a majority of the qualified electors voting on such proposition in the manner provided in this section.” “A proposition calling for single-member representation...shall be submitted to the electors of the county at any primary, general, or otherwise-called special election.”

Should the Board of County Commissioners desire to move forward with a Reverse One Sumter question – calling for single-member district representation - it may do so by adopting a formal resolution directing an election to be held to place the proposition on the ballot. Fla. Stat. §124.011(3)(a). The resolution adopted by the Board of County Commissioners to propose the single member district representation shall specify an orderly method and procedure for implementing the revision contemplated in the resolution. Fla. Stat. §124.011(11).

It is important to note that while the matter may be placed on a ballot at a primary, general or otherwise-called special election, Section 124.011(8), Florida Statutes, expressly prohibits the calling of a special election solely for the purpose of presenting a single member representation proposition to voters. Therefore, if the Board of County Commissioners desires to propose the Reverse One Sumter referendum, the question would need to be presented at a primary or general

election, or otherwise-called countywide special election called for a different purpose. This would mean that the earliest the Reverse One Sumter referendum could be posed to the electors, would be the next primary election (August 2021), or any other called county-wide special election which may occur beforehand. As of now, there are no scheduled or anticipated countywide special elections.

Prescribed in Section 224.011(9) (a), Florida Statutes, is the specific language of the ballot question that would be posed in counties in which the board of county commissioners is composed of five members, each to be elected from single-member districts. The wording of the proposition on the ballot must read as follows:

Shall the five members of the board of county commissioners of County, Florida, be elected to office from single-member districts by electors residing in each of those districts only?

Yes

No

If it is determined to place a Reverse One Sumter referendum on the ballot, and such referendum passes, it would not affect currently seated commissioners. No county commissioner elected prior to or at the election which approves any revision to how commissioners are elected shall be affected in his or her term of office. Fla. Stat. §124.011(11). It would only affect county commission candidates running in a subsequent election.

With respect to redistricting, pursuant to Fla. Stat. §124.01(3), “the board of county commissioners shall from time to time, fix the boundaries of the above districts so as to keep them as nearly equal in proportion to population as possible; provided that changes made in the boundaries of county commissioner districts pursuant to this section shall be made only in odd-numbered years.” Therefore, once the 2020 Census Report is issued, any adjustments to district boundaries necessary to “keep [the districts] as nearly equal in proportion to population as possible” will need to occur in 2021 – an odd-numbered year. These changes would need to be determined and implemented prior to the date on which the next election cycle begins.

If you should have any questions regarding the information contained in this memo, please feel free to contact me.