

From: "Keen, Bill" <bill.keen@sumterelections.org>
To: "Arnold, Bradley" <Bradley.Arnold@sumtercountyfl.gov>
Cc: "Jennifer C. Rey" <jrey@hoganlawfirm.com>
Date: 2020-12-07 10:35
Subject: Fwd: Mail Ballot Election
Attachments:  image001.png

A little clarification on what type of special election(County Wide or Municipal) would allow it to be added.

Sent from my Verizon, Samsung Galaxy smartphone

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Bill Keen
Supervisor of Elections
Sumter County, FL
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7375 Powell Rd. #125 Wildwood, FL 34785

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From: O'Brien, Colleen E. <Colleen.O'Brien@dos.myflorida.com>
Sent: Monday, December 7, 2020 10:29:37 AM
To: Mertz, Terri <TMertz@SumterElections.org>
Cc: Keen, Bill <Bill.Keen@sumterelections.org>; Oliver, Traci <Traci.Oliver@sumterelections.org>; Matthews, Maria I. <Maria.Matthews@DOS.MyFlorida.com>
Subject: RE: Mail Ballot Election

Good morning,

I would agree with that. I don't think it's explicitly spelled out in the statute, but it seems to be a reasonable conclusion based on who the electors would be who would be voting in the existing election. Again, I definitely recommend you run it by your county attorney as well since chapter 125 is a county government statute outside the election code. If they have a different conclusion, just let us know and we're happy to chat with them further.

Best regards,

Colleen

Colleen E. O'Brien

Assistant General Counsel

FLORIDA DEPARTMENT OF STATE

500 South Bronough Street, Suite 100

Tallahassee, Florida 32399-0250

(p): (850) 245-6519

(f): (850) 245-6127

From: Mertz, Terri <TMertz@sumterelections.org>
Sent: Monday, December 7, 2020 10:25 AM
To: O'Brien, Colleen E. <Colleen.OBrien@dos.myflorida.com>
Cc: Keen, Bill <Bill.Keen@sumterelections.org>; Oliver, Traci <Traci.Oliver@sumterelections.org>
Subject: RE: Mail Ballot Election

EMAIL RECEIVED FROM EXTERNAL SOURCE

Good Morning,

We would like to get a little more clarification. We understand that a special election cannot be held just for this issue and that it could be held with another election, so our question is this, the question would have to go on a countywide election correct? If we were to hold a city election and only the residents of that city were voting, this question could not be on that ballot correct?

Any assistance you can provide is greatly appreciated,

Terri Mertz
Staff Accountant

Sumter County, FL

Tel: 352-569-1540

Fax: 352-569-1541

7375 Powell Rd. #125 Wildwood, FL 34785

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From: O'Brien, Colleen E. <Colleen.OBrien@dos.myflorida.com>
Sent: Monday, November 30, 2020 10:53 AM
To: Mertz, Terri <TMertz@sumterelections.org>; Matthews, Maria I. <Maria.Matthews@DOS.MyFlorida.com>
Cc: Keen, Bill <Bill.Keen@sumterelections.org>; Oliver, Traci <Traci.Oliver@sumterelections.org>; Steele, Melissa <MSteele@sumterelections.org>; Davis, Ashley E. <Ashley.Davis@dos.myflorida.com>; Marconnet, Amber <Amber.Marconnet@DOS.MyFlorida.com>
Subject: RE: Mail Ballot Election

Good morning,

The way I read section 124.011 is that a proposition as to whether commissioners shall be elected from electors solely within their districts must be tacked onto an existing primary, general, or otherwise-called special election. This would not allow for an election solely for this referendum question. Specifically, section 124.011 provides in pertinent parts that:

- (1) County commissioners shall be nominated and elected to office in accordance with the provisions of s. 124.01 . . . 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*.

. . .

(3) A proposition calling for single-member representation within the county commission districts of the county *shall be submitted to the electors of the county at any primary, general, or otherwise-called special election*, in either manner following:

(a) The board of county commissioners may adopt a formal resolution . . .

(b) The electors of the county may petition to have the proposition placed on the ballot . . .

. . .

(7) No special election may be called for the sole purpose of presenting the proposition to the vote of the electors.

§ 124.011(1), (3), (7), Fla. Stat.

That said, this is getting into county government matters outside the scope of the Election Code (Chapters 97-106). As such, I would definitely encourage you to consult with your county attorney as to their interpretation of the relevant statutes and advice on proceeding.

Just let me know if you have any further questions.

Sincerely,

Colleen E. O'Brien

Assistant General Counsel

FLORIDA DEPARTMENT OF STATE

500 South Bronough Street, Suite 100

Tallahassee, Florida 32399-0250

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(f): (850) 245-6127

From: Mertz, Terri <TMertz@sumterelections.org>

Sent: Monday, November 30, 2020 10:16 AM

To: Matthews, Maria I. <Maria.Matthews@DOS.MyFlorida.com>

Cc: Keen, Bill <Bill.Keen@sumterelections.org>; Oliver, Traci <Traci.Oliver@sumterelections.org>; msteele <msteele@sumterelections.org>; O'Brien, Colleen E. <Colleen.OBrien@dos.myflorida.com>; Davis, Ashley E. <Ashley.Davis@dos.myflorida.com>; Marconnet, Amber <Amber.Marconnet@DOS.MyFlorida.com>

Subject: RE: Mail Ballot Election

EMAIL RECEIVED FROM EXTERNAL SOURCE

Thank you so much.

Terri Mertz

Staff Accountant

Sumter County, FL

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From: Matthews, Maria I. <Maria.Matthews@DOS.MyFlorida.com>
Sent: Monday, November 30, 2020 10:15 AM
To: Mertz, Terri <TMertz@sumterelections.org>
Cc: Keen, Bill <Bill.Keen@sumterelections.org>; Oliver, Traci <Traci.Oliver@sumterelections.org>; Steele, Melissa <MSteele@sumterelections.org>; O'Brien, Colleen E. <Colleen.O'Brien@dos.myflorida.com>; Davis, Ashley E. <Ashley.Davis@dos.myflorida.com>; Marconnet, Amber <Amber.Marconnet@DOS.MyFlorida.com>
Subject: Re: Mail Ballot Election

Terri, I am out of office today so I am copying legal to get you an answer.

Sent from my iPhone

On Nov 30, 2020, at 10:13 AM, Mertz, Terri <TMertz@sumterelections.org> wrote:

■

EMAIL RECEIVED FROM EXTERNAL SOURCE

Good Morning,

We have a couple of questions about a mail ballot election. I was not sure who to send it to, so I am sending to you.

■ Just want to make sure that we can hold a mail ballot election with just a question: Shall the five members of the board of county commissioners of Sumter County Florida, be elected to office from single-member districts by electors residing in each of those districts only? This is from F.S. 124.011. There are no candidates.

■ If we hold this election is early voting required or just an option?

■■■■■■■■ Can the Board of County Commissioners call for this election without doing petitions to have a special election?

As you can see I have cc'd others in this email. When you respond please respond to all so that everyone will have the answers. Any information that you provide is and will be greatly appreciated.

Thank you so much,

[Terri Mertz](mailto:terri.mertz@sumtercountyfl.gov)
Staff Accountant

Sumter County, FL

Tel: 352-569-1540

Fax: 352-569-1541

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