

HOUSE OF REPRESENTATIVES LOCAL BILL STAFF ANALYSIS

BILL #: HB 1401 Broward Co. / Municipal Elections
SPONSOR(S): Representative Gottlieb
TIED BILLS: None. **IDEN./SIM. BILLS:** None.

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
1) <u>Local Affairs</u>	<u>9 Y, 0 N</u>	<u>Morris</u>	<u>Cutchins</u>
2) <u>Local Government & Veterans' Affairs</u>	_____	_____	_____
3) _____	_____	_____	_____
4) _____	_____	_____	_____
5) _____	_____	_____	_____

SUMMARY ANALYSIS

Broward County, FL has over 25 municipalities, which were created by special or general law and are governed by elected commissions and/or a mayor. This bill proposes that all municipalities in Broward County unify their elections dates and qualification periods by providing two election days on even numbered calendar years. This bill provides:

- An election day on the second Tuesday in March of even numbered calendar years.
 - Filing requirements with municipal clerk between noon on the first work day in January and noon on the 14th day after the first work day in January.
 - A primary election, if needed, on the second Tuesday in February of even numbered calendar years.

- An election day on the second Tuesday in November on even numbered calendar years.
 - Filing requirements with municipal clerk between noon on the first work day in September and noon on the 14th day following the first work day in September
 - A primary election, if needed, on the first Tuesday in October of even numbered calendar years.

This bill authorizes the governing body of each Broward County municipality, by ordinance, to extend or reduce the terms of office for existing elected officials for a period of up to eight months. Upon approval by referendum, the governing body of each Broward County municipality may amend its charter to change the date of its municipal elections in accordance with this act. However, no election date change will be effective until at least 18 months after the approval of the ordinance by the municipality's governing body.

The bill also requires the Broward County Supervisor of Elections to provide each municipality in the county with a schedule of fees and charges for municipal election services by the first work day in April of the calendar year.

According to the economic impact statement, this bill enables municipalities to choose election dates for the purpose of increasing voter turn-out and reducing municipal election costs.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. DOES THE BILL:

- | | | | |
|--------------------------------------|------------------------------|-----------------------------|---|
| 1. Reduce government? | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 2. Lower taxes? | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 3. Expand individual freedom? | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 4. Increase personal responsibility? | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 5. Empower families? | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |

For any principle that received a "no" above, please explain:

B. EFFECT OF PROPOSED CHANGES:

Broward County, FL has over 25 municipalities, which were created by special or general law and are governed by elected commissions and/or a mayor. This bill proposes that all municipalities in Broward County unify their elections dates and qualification periods by providing two election days, qualifying periods, and primary election dates if needed, on even numbered calendar years.

Chapter 75-350, Laws of Florida, as amended, provides legislative intent relating to the governing of municipal elections in Broward County. This bill amends ch. 75-350, L.O.F., as amended, by authorizing municipalities in Broward County to hold elections on the second Tuesday in March and requires candidates to file with the municipal clerk between noon on the first work day in January and noon on the 14th day following the first work day in January of the calendar year.

This section also provides a qualification period for the municipal elections held in November. Candidates shall file papers and pay the applicable municipal fees between noon on the first work day in September and noon on the 14th work day of September in the year the election is to be held.

The bill also updates language regarding primaries at the municipal level to provide an additional primary for a November election, if needed, on the first Tuesday in October of even numbered calendar years.

This bill authorizes the governing body of each Broward County municipality, by ordinance, to extend or reduce the terms of office for existing elected officials for a period of up to eight months. Upon approval by referendum, the governing body of each Broward County municipality may amend its charter to change the date of its municipal elections in accordance with this act. However, no election date change will be effective until at least 18 months after the approval of the ordinance by the municipality's governing body.

The Broward Supervisor of Elections is required to provide each Broward County municipality with a schedule of fees and charges for municipal election services for the following calendar year, by the first work day in April.

C. SECTION DIRECTORY:

Section 1 amends ch. 75-350, L.O.F. as amended by chs. 76-336 and 77-507, L.O.F., relating to Broward County's municipal elections.

Section 2 authorizes municipalities in Broward County to hold elections during the month of March and requires candidates to file with the municipal clerk between noon on the first work day in January and noon on the 14th day following the first work day in January of the calendar year.

This section also provides a qualification period for Broward County municipal elections held in November. Candidates shall file papers and pay the applicable municipal fees between noon on the first work day in September and noon on the 14th work day of September in the year the election is to be held.

Section 3 clarifies language authorizing a primary election relating to a municipal office to be held on the second Tuesday in February. This section also authorizes an additional primary on the first Tuesday of October of any even numbered calendar year if needed. The section provides the general election dates relating to municipal offices to be held on the first Tuesday in March or the first Tuesday in November of any even numbered calendar year.

Section 6 authorizes municipalities in Broward County to implement any change in the month in which elections will be held. Affected municipalities may either extend or reduce terms of office of existing elected officials for a period of up to eight months.

Section 7 authorizes the governing body of each municipality in Broward County to amend its charter to change the date of its municipal elections in accordance with this act, subject to approval by referendum, provided that any change in election date will not be effective until at least 18 months after the approval of the ordinance by the municipality's governing body.

Section 9 is added to this act which requires the Broward Supervisor of Elections to provide each Broward County municipality a schedule of fees and charges for municipal election services for the following calendar year by the first work day in April.

Section 2 provides that this act shall take effect upon becoming a law.

II. NOTICE/REFERENDUM AND OTHER REQUIREMENTS

A. NOTICE PUBLISHED? Yes No

IF YES, WHEN?

January 25, 2004.

WHERE?

The *Sun-Sentinel* published daily in Broward, Palm Beach, and Miami-Dade Counties, Florida.

B. REFERENDUM(S) REQUIRED? Yes No

IF YES, WHEN?

Referendums will only be required if a municipality chooses to change its election dates by amending its charter.

C. LOCAL BILL CERTIFICATION FILED? Yes, attached No

D. ECONOMIC IMPACT STATEMENT FILED? Yes, attached No

According to the economic impact statement, this bill enables municipalities to choose election dates for the purpose of increasing voter turn-out and reducing municipal election costs.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

There does not appear to be constitutional issues in this bill.

B. RULE-MAKING AUTHORITY:

This bill does not appear to effect rule making authority.

C. DRAFTING ISSUES OR OTHER COMMENTS:

The title of the bill states that it relates to Broward County, amending ch. 75-350, L.O.F. as amended by chs. 76-336 and 77-507, L.O.F., revising provisions of municipal elections in Broward County. The title and directory language excludes ch. 81-349, L.O.F., which also relates to the municipal elections of Broward County. Chapter 81-349 repeals section 4 of ch. 75-350, L.O.F., as amended. Therefore, references to ch. 81-349 should be added to the bill where necessary, and section 4 of the act should be removed.

Support for this bill includes:

- The Broward League of Cities
- The City of Coconut Creek
- The City of Weston

IV. AMENDMENT/COMMITTEE SUBSTITUTE CHANGES

The Subcommittee on Local Affairs favorably recommended one amendment on March 31, 2004. The amendment removes lines 51-60 of the bill relating to Broward County municipal elections, which removes section 4 of the act because it was already repealed in ch. 81-349, L.O.F.