



MEMORANDUM

Office of the City Attorney

Registrar No. _____

Phone: 334-5011/Fax 334-2229
Box 46

TO: Mayor and City Commission

DATE: September 12, 2005

FROM: City Attorney

CITY ATTORNEY

SUBJECT: Early Voting

Recommendation: The City Commission decide whether to provide for early voting in municipal elections, and, if provided for, authorize the City Attorney to draft, and the Clerk of the Commission to advertise the proposed ordinance.

Florida Law requires early voting be made available in State elections, which consist of primary elections, special primary elections, special elections, general elections, and presidential preference primary elections. Municipal elections are not included in the list of elections for which early voting is mandatory. Recently, the legislature provided that "municipalities may provide early voting in municipal elections that are not held in conjunction with county or state elections". It is up to the individual municipalities to decide whether they will provide for early voting and for what period of time.

Absentee voting already provides for voting before the actual election day. Currently, voters may vote absentee prior to and on the actual election day. Voters may request absentee ballots be mailed to them each year, or may, at any time the ballots are ready, go to the Supervisor's office, request an absentee ballot and vote at that time.

The City Commission must decide if the City should also permit early voting as to its elections in the Spring of each year. It is the recommendation of the Supervisor of Elections and the City Attorney, that if the City Commission does conduct early voting, it do so under the following conditions: 1) apply only to regular elections, not for special elections; 2) last for a period of seven days before the first election and for seven days before the runoff election if one is held; and 3) early voting be conducted only at the Office of the Supervisor of Elections. This time period would not apply when the City election is held in conjunction with a federal, State or countywide election where the early voting provisions are provided for by State law.

For your information, the Supervisor of Elections provided for early voting for the first time at the municipal election in Spring 2005. In the regular election there were 1,323 absentee voters and 515 early voters. In the runoff election there were 395 absentee voters and 175 early voters.

Estimated Fiscal Impact: \$4,000.

Prepared by:


Elizabeth A. Warabike, Litigation Attorney

Approved and
Submitted by:


Marion J. Radson, City Attorney