

ORDINANCE NO. 97-14

AN ORDINANCE OF LEE COUNTY ESTABLISHING THE STYLE AND REQUIREMENTS OF THE FORM TO BE USED BY THE CIRCULATORS OF PETITIONS FOR PROPOSED INITIATIVE ORDINANCES OR AMENDMENTS TO THE HOME RULE CHARTER OF LEE COUNTY, FLORIDA; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICT; PROVIDING AN EFFECTIVE DATE.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF LEE COUNTY, FLORIDA:

SECTION 1. SUBMISSION TO SUPERVISOR OF ELECTIONS.

Any ordinance containing a proposed amendment to the Lee County Home Rule Charter (Lee County Ordinance 96-01) pursuant to Section 4.1(A) of the Charter or any proposed ordinance to be placed on the ballot by initiative pursuant to Section 2.2H of the Charter shall be submitted by its sponsor(s)/circulator(s) to the Lee County Supervisor of Elections for approval as to format prior to the proposed amendment or ordinance being circulated for signatures. Such submission shall be in writing and shall include a copy or a facsimile of the form proposed to be circulated. The Supervisor of Elections shall review as to the sufficiency of the format only and notify the sponsor and the Board of County Commissioners of Lee County in writing within 14 days whether the format complies with Section 2 of this Ordinance. ~~No review as to the legal sufficiency of the text of the proposed charter~~ amendment or other ordinance will be undertaken by the Supervisor of Elections.

A petition containing a proposed ordinance setting forth a Charter amendment or initiative ordinance shall be circulated for signatures only if the format of the

petition complies with Section 2 of this Ordinance, as determined by the Supervisor of Elections. The approved forms of petitions included in this section shall be in substantially the format as contained in Exhibit A, attached hereto and incorporated herein.

SECTION 2. PETITION FORMAT.

A. Approved forms of petitions shall be in substantially the format as contained in Exhibit A attached hereto and incorporated herein. To be sufficient, the petition form must be printed on separate cards or individual sheets of paper each containing space for only one elector's signature and identification information. Forms providing for multiple signatures of electors shall not be approved. The minimum size of *petition forms shall be 3 inches by 5 inches (3" x 5") and the maximum size shall be eight and one-half inches by eleven inches (8½ x 11").*

The size of the petition forms shall be computed by utilizing the outer boundary of the form. Additional material may be attached to the form; however, when detached the petition form must be consistent with the dimensions provided for herein.

B. The petition form shall conspicuously contain the full text of the *amendment or ordinance being proposed and, if not printed entirely on the face of the petition, indicate that such text is on the reverse side or is attached separately.* In such case, the face of the form shall clearly indicate that the text is begun or continued on the other side or in the

attachment. The face of the petition form shall include adequate space for the following required information: Signatore's printed name, street address, city, voter i.d. number, precinct number, signature and date signed.

C. The top of the petition form shall be clearly and conspicuously entitled "Proposed Charter Amendment Petition Form," or "Proposed Charter Initiative Ordinance Petition Form," as the case may be. Additional materials supporting the proposed amendment or ordinance, or providing a method by which the petition form may be returned by mail, may be printed on the form. Said information shall be deemed a political advertisement as defined by law and shall be subject to the disclosures as required by F.S. Sec. 106.143. The Supervisor of Elections shall not review the accuracy or content of such material, but will review to determine that such information does not interfere with any required material.

D. Any persons, group, club or entities as defined by Ch 106, Florida Statutes as a political committee and required to comply therewith, which circulates or sponsors any Charter amendment or initiative ordinance petition shall file with the Supervisor of Elections as a political committee pursuant to Chapter 106, Florida Statutes, prior to circulation of any such amendment or initiative ordinance petition.

E. Petition forms may be reproduced in newspapers, magazines, and other forms of printed mass media, provided such forms are reproduced in the same format as approved by the Supervisor of Elections. The petition forms may be included within a larger advertisement, provided the forms are clearly defined by a solid or broken-line border. Said reproductions and inclusions shall be deemed a political advertisement as defined by law and shall be subject to the disclosures as required by F.S. Sec. 106.43. The foregoing notwithstanding, all petition forms to be filed with the Supervisor of Elections for verification must comply with the petition size requirements set by Section 2.(A), above

SECTION 3: CHANGES TO PETITION.

Any change(s) to a previously approved petition form, which is to be ~~subsequently circulated by a previously approved circulator, shall be re-submitted to~~ the Supervisor of Elections for approval in accordance with this Ordinance. However, when the petition form is changed, no signatures obtained before the change shall be counted by the Supervisor of Elections in determining whether a sufficient number of signatures has been obtained for the changed petition.

SECTION 4: VERIFICATION.

The circulators of the petition, political committee formed by the circulator(s), as applicable, and the Supervisor of Elections shall be subject to provisions of Florida Statute Section 99.097, ¶(3) and (4) and such other provisions of law as may be applicable to the process of verification of signatures on petitions. Upon verification

of the appropriate signatures as required by the Lee County Charter, Ordinance No. 96-01, Sec. 2.2(H)(2) and Sec. 4.1(A)(3), the Supervisor of Elections will duly report the results to the sponsor/circulators and the Lee County Board of County Commissioners.

SECTION 5: PETITION RESPONSIBILITY.

It is the responsibility of the circulator(s) of a petition to:

- (i) acknowledge in writing to the Supervisor of Elections that a copy of this ordinance has been obtained and reviewed as to each party's respective responsibilities under the ordinance.
- (ii) develop the format of the petition pursuant to the provisions of this ordinance and in compliance with Exhibit A, hereto.

- (iii) mass produce the petition;
- (iv) circulate the petition for signatures;
- (v) timely present signed petitions to the supervisor of Elections;
- (vi) verify the legal requirements of any petition, as to both substantive and procedural matters. Inasmuch as the Office of County Attorney represents Lee county, it cannot serve as legal advisor to circulator(s) or sponsors of any such petition(s) due to the potential for conflict(s) in professional representation.

SECTION 6. CODIFICATION, INCLUSION IN CODE AND SCRIVENER'S ERRORS

It is the intention of the Board of County Commissioners that the provisions of this ordinance shall become and be made a part of the Lee County Code; and that sections of this ordinance may be renumbered or relettered and that the word "ordinance" may be changed to "section," "article," or such other appropriate word or phrase in order to accomplish such intention; and regardless of whether such inclusion in the code is accomplished, sections of this ordinance may be renumbered or relettered and typographical errors which do not affect the intent may be authorized by the County Administrator, or his designee, without the need for an additional public hearing, by filing a corrected or recodified copy of same with the Clerk of the Circuit Court.

SECTION 7. CONFLICTS OF LAW

Whenever the requirements or provisions of this ordinance are in conflict with the requirements or provisions of any other lawfully adopted Lee County ordinance or Florida Statute, the more restrictive will apply.

SECTION 8. SEVERABILITY

The provisions of this ordinance are severable and it is the legislative intention to confer upon the whole or any part of the ordinance the powers herein provided for. If any of the provisions of this ordinance shall be held unconstitutional by any court of competent jurisdiction, the decision of such court shall not affect or impair any remaining provisions of the ordinance. It is hereby declared to be the legislative

intent that this ordinance would have been adopted had such unconstitutional provision not been included herein at the time of its adoption.

SECTION 9. EFFECTIVE DATE

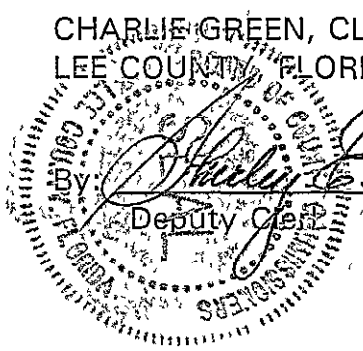
This ordinance shall take effect immediately upon receipt of official acknowledgment from the Secretary of State of Florida that it has been duly filed with that Office.

The foregoing Ordinance was offered by Commissioner Manning, who moved its adoption. The motion was seconded by Commissioner Coy and, being put to a vote, the vote was as follows:

JOHN E. MANNING	<u>AYE</u>
DOUGLAS ST. CERNY	<u>ABSENT</u>
RAY JUDAH	<u>AYE</u>
ANDREW W. COY	<u>AYE</u>
JOHN E. ALBION	<u>AYE</u>

DULY PASSED AND ADOPTED this 1st day of July, 1997.

CHARLIE GREEN, CLERK
LEE COUNTY, FLORIDA



Charlie E. Rost
Deputy Clerk

BOARD OF COUNTY COMMISSIONERS

By: Andrew G.
Chairman

LEE COUNTY ATTORNEY'S OFFICE
APPROVED AS TO FORM:

By: James H. Yeager
County Attorney

PROPOSED CHARTER INITIATIVE ORDINANCE PETITION FORM

ORDINANCE TITLE: (Insert Title of Ordinance)

ORDINANCE TEXT: (Insert Full Text of the Ordinance or Attach to Petition)

STATE OF FLORIDA
COUNTY OF LEE

I, the undersigned, a duly registered elector in Lee County, Florida, on the date this petition was signed, do hereby petition for the passage of an ordinance (or the amendment of an ordinance) (or the repeal of an ordinance) under Sec 2 2H of the Lee County Charter, having the form and effect as stated above

NAME _____
(Please Print Your Name as it Appears on the Voter Registration Card)

STREET ADDRESS _____

CITY _____ STATE _____ ZIP CODE _____

VOTER REGISTRATION NO _____ (OR) DATE OF BIRTH _____

PRECINCT NO _____

SIGNATURE _____ DATE SIGNED _____

PROPOSED CHARTER AMENDMENT PETITION FORMBALLOT TITLE (Insert Title of Amendment/Title not to exceed 15 words)BALLOT SUMMARY (Insert summary of measure to be voted upon Said summary not to exceed 75 words)FULL TEXT OF PROPOSED AMENDMENT (Insert full text of measure or attach to Petition)STATE OF FLORIDA
COUNTY OF LEE

I, the undersigned, a duly registered elector in Lee County, Florida, on the date this petition was signed, do hereby petition for a referendum on the adoption of an amendment to the Charter of Lee County as provided in Section 4 1(A) of the Lee County Charter, having the form and effect as stated above

NAME _____
(Please Print Your Name as it Appears on the Voter Registration Card)

STREET ADDRESS _____

CITY _____ STATE _____ ZIP CODE _____

VOTER REGISTRATION NO _____ (OR) DATE OF BIRTH _____

PRECINCT NO _____

SIGNATURE _____ DATE SIGNED _____

EXHIBIT A
(Page 2 of 2)