




OFFICE OF THE CITY ATTORNEY
CITY OF PORT ST. LUCIE

MEMORANDUM

TO: Honorable Mayor & Members of the City Council
 FROM: James Stokes, City Attorney 
 COPY TO: Russ Blackburn, City Manager
 Sally Walsh, City Clerk
 SUBJECT: Optional Services for Special Election(s)
 DATE: June 28, 2021

As previously indicated, when a special municipal election is not run concurrently with another municipality, countywide or statewide election, the cost of that election falls upon the City. The Supervisor of Elections has provided a cost estimate which was previously shared and is also attached as an exhibit to this memorandum.

The estimated cost of a single election for the City of Port St. Lucie is between \$220,000 and \$320,000 dollars. The variant in this estimate is based, primarily, upon several OPTIONAL items which can be selected or declined. These are listed as follows:

ITEM:	EST. COST:	SELECTION:
<u>Early Voting:</u> <i>Notwithstanding the requirements of § 100.3605, municipalities <u>may</u> provide early voting in municipal elections that are not held in conjunction with county or state elections. If a municipality provides early voting, it may designate as many sites as necessary and shall conduct its activities in accordance with the provisions of paragraphs (a)-(c). The supervisor is not required to conduct early voting if it is provided pursuant to this subsection. § 101.657(e), F.S.</i>		
Approximate cost for staffing 3 Early Voting locations:	\$ 45,000	<input type="checkbox"/> Yes <input type="checkbox"/> No

Sample Ballots:

(a) Upon completion of the list of qualified candidates, a sample ballot shall be published by the supervisor in a newspaper of general circulation in the county, before the day of election.
 (b) In lieu of the publication required under paragraph (a), a supervisor may send a sample ballot to each registered elector by e-mail at least 7 days before an election if an e-mail address has been provided and the elector has opted to receive a sample ballot by electronic delivery. If an e-mail address has not been provided, or if the elector has not opted for electronic delivery, a sample ballot may be mailed to each registered elector or to each household in which there is a registered elector at least 7 days before an election.
 § 101.20(2), F.S.

Sample Ballots. Approximate cost for printing:	\$ 25,000	<input type="checkbox"/> Yes <input type="checkbox"/> No
Sample Ballots. Approximate cost for postage:	\$ 15,000	<input type="checkbox"/> Yes <input type="checkbox"/> No
<u>Advertising by the Supervisor of Elections Office:</u> <i>Newspaper, Radio, etc.:</i>	\$ 15,000	<input type="checkbox"/> Yes <input type="checkbox"/> No

Vote-By-Mail Drop Boxes:

Drop Boxes are authorized by Section 101.69, Florida Statutes, at specified locations during the early voting period. If there is no early voting, there will be no drop boxes. If there are drop boxes, the new Senate Bill 90 (2021) requires "A secure drop box at an office of the supervisor must be continuously monitored in person by an employee of the supervisor's office when the drop box is accessible for deposit of ballots." § 101.69(2)(a), F.S.

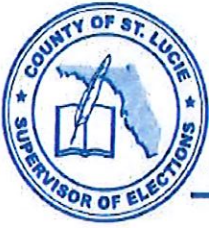
Approximate cost of monitoring Drop Boxes:	\$ 6,000	<input type="checkbox"/> Yes <input type="checkbox"/> No
<u>Legal Services:</u> Approximate cost for the SoE if election is litigated:	\$ 7,000	<input type="checkbox"/> Yes <input type="checkbox"/> No

If the City requires a primary election followed by a general election, these costs will roughly double, as these estimates are for each election.

The Supervisor of Elections has indicated that the City will be responsible for actual costs only. This could be higher or lower than each estimate. She has indicated that the City could either have costs invoiced directly for the City to pay, or have her Office pay and which point we would need to reimburse the Supervisor's Office.

CONCLUSION:

It is recommended that the Council determine which options it wishes to select, if any, and direct the City Clerk or notify the Supervisor of Elections of the City's choices.



Gertrude Walker
Supervisor of Elections
St. Lucie County

4132 Okeechobee Road • Fort Pierce, FL 34947-5412 • (772) 462-1500 • Fax (772) 462-1439

June 7, 2021

Sally Walsh, CMC
City Clerk, City of Port Saint Lucie
121 SW Port St. Lucie Boulevard
Port St. Lucie, Florida 34984

Dear Ms. Walsh:

Pursuant to our recent discussions regarding the proposed special election to fill a vacancy in the City of Port Saint Lucie Mayor's seat, I have reviewed the City Charter and Code of Ordinances in conjunction with Florida's election laws to assist your office in determining a schedule for the election. As we discussed, there appear to be several areas in conflict both from a statutory and practical perspective; namely, the election schedule for filling vacancies in Section 2.09 of the Charter, the qualifying period set forth in Section 33.02 of the Code or Ordinances, and the mailing period required for vote-by-mail ballots under Section 101.62, Florida Statutes. Due to these conflicts, the Division of Elections has determined the election must be conducted utilizing F.S. 101.3605:

100.3605 Conduct of municipal elections.—

(1) The Florida Election Code, chapters 97-106, shall govern the conduct of a municipality's election in the absence of an applicable special act, charter, or ordinance provision. No charter or ordinance provision shall be adopted which conflicts with or exempts a municipality from any provision in the Florida Election Code that expressly applies to municipalities.

(2) The governing body of a municipality may, by ordinance, change the dates for qualifying and for the election of members of the governing body of the municipality and provide for the orderly transition of office resulting from such date changes.

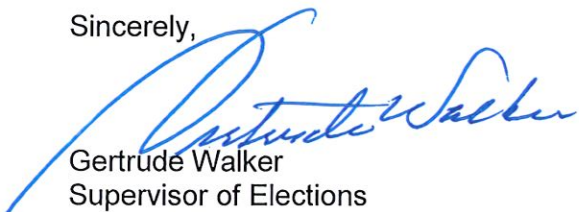
History.—s. 2, ch. 95-178.

For these reasons, the Council may wish to consider holding one election within ninety (90) days of the vacancy rather than both a primary and general election.

You have also requested a cost estimate to conduct the special election. Based upon past elections and the number of voters currently registered in the City, the estimated cost for an election is \$350,000. This amount can be greatly reduced based upon the options chosen by the City Council.

If you require further information, please do not hesitate to contact me.

Sincerely,


Gertrude Walker
Supervisor of Elections

250 NW Country Club Drive • Port St. Lucie, Florida 34986 • (772) 871-5410
1664 SE Walton Road • Port St. Lucie, Florida 34952 • (772) 337-5323
10264 SW Village Parkway • Port St. Lucie, Florida 34987 • (772) 448-5172
www.slcelections.com • e-mail: elections@slcelections.com

2021 City of Port St. Lucie - Special Election(s)

Estimated Cost of Election and Statute Reference

Item	Florida Statute(s)	Estimated Cost
Poll Workers - Election Day		\$ 55,000
Part Time Workers - Canvassing, etc.		\$ 7,000
Polling Place Rental - Various Precincts		\$ 7,000
Early Voting Staffing - 3 Locations	FS 101.657(e) - Providing Early Voting is Optional . FS 101.69 – Increased cost due to SB 90 result in required staff monitoring Drop Boxes during hours of operation	\$ 45,000
Ballots - Official & Test	FS 101.21	\$ 38,000
Sample Ballots	FS 101.20 - Producing and mailing sample ballots is optional . Sample ballots could be provided in a newspaper publication	\$ 25,000
Sample Ballot Postage	FS 101.20 - Optional	\$ 15,000
Ballot on Demand Materials		\$ 3,000
Communications - Cell Phones, etc.		\$ 5,000
Advertising - Newspapers, Radio - Optional	FS 101.20 & FS 101.5612	\$ 15,000
Vote by Mail Ballots		\$ 27,000
Vote by Mail Ballot Postage		\$ 12,000
Vote by Mail Ballots – Office Drop Box Monitoring	FS 101.69 – Increased cost due to SB 90 result in required staff monitoring Drop Boxes during hours of operation - Optional	\$ 6,000
Professional Services / Attorney	- Optional	\$ 7,000
Election Support - Equipment		\$ 8,000
Security - Sherriff Deputies		\$ 6,000
Temporary Staffing - Call Center, Support, etc.		\$ 15,000
Moving Company - Equip. Transport		\$ 8,000
Supplies & Miscellaneous		\$ 15,000
Estimated Total		\$ 319,000

Excluding Estimated Options

\$ -98,000
\$ 221,000