

RESOLUTION 2024-01

A RESOLUTION CALLING AND FIXING AN ELECTION FOR TWO (2) MEMBERS OF THE BOARD OF SUPERVISORS OF THE HERONS GLEN RECREATION DISTRICT ON MARCH 26, 2024; DESIGNATING HOURS AND PLACE OF VOTING; PROVIDING FOR QUALIFICATIONS; AND OTHERWISE PROVIDING FOR THE HOLDING OF SAID ELECTION.

Now, therefore, be it RESOLVED by the Board of Supervisors of the Herons Glen Recreation District that:

1. The Herons Glen Recreation District shall hold an election on **March 26, 2024** to elect two (2) members of the Board of Supervisors, for a term of three (3) years, such term to begin April 1, 2024. The two (2) candidates receiving the highest vote total shall be elected.

2. Qualification of candidates to run for the position shall be performed by Counsel for the District, Knott Ebelini Hart, 1625 Hendry Street, Suite 301, Fort Myers, Florida 33901, by the receipt of the following information in writing.

- (1) Name, as it is to appear on the ballots;
- (2) Residence Address;
- (3) A signed statement certifying that the candidate is 18 years old, a resident of Florida, is an owner of property within the District and resides within the District for at least ninety (90) days per year.
- (4) Signed and notarized candidate's oath as prescribed by Florida Statutes.

Exhibit "C" may be used for the above.

- (5) A Candidate's one-page info sheet for distribution to public This item is optional, but must be provided before the end of qualifying.

Qualifying shall commence on **January 24, 2024** and conclude at 5:00 p.m. on **February 2, 2024**.

3. The place and time of voting in said election is: The Herons Glen Country Club, Administration Office, 2250 Herons Glen Boulevard, North Fort Myers, Lee County, Florida, between the hours of 11:00 a.m. and 4:00 o'clock p.m. on March 26, 2024.

4. Legal Counsel for the District is authorized and directed to serve as elections qualifying officer, prepare and mail the ballots, publish Notice of said election in the form attached hereto as Exhibit "A."


5. Qualified voters are the property owners as shown by the records of the Lee County Property Appraiser, unless otherwise shown by proof acceptable to the Board, or its Election Committee.

6. Legal counsel for the District is further authorized to conduct said election with the assistance of the Supervisor of Elections and the Election Committee to be named by the Board of Supervisors prior to the Election, all in accord with the Election Procedures set forth in the attached Exhibit "B."

PASSED AND ADOPTED at a meeting of the Board of Supervisor of the Herons Glen Recreation District this day 15th day of January 2024.

[SEAL]

ATTEST:



District Secretary

HERONS GLEN RECREATION DISTRICT



Howard Young, Chair

EXHIBIT “A”

NOTICE OF ELECTION AND CANDIDATE QUALIFYING

The Herons Glen Recreation District will hold the election of **two (2) members** of its Board of Supervisors on **March 26, 2024**, at the Herons Glen Country Club, Administration Office, 2250 Herons Glen Boulevard, North Fort Myers, Lee County, Florida between the hours of 11:00 a.m. and 4:00 p.m., **for a term of three (3) years commencing April 1, 2024**. The election is non-partisan.

The Board of Supervisors is comprised of five (5) residents of the Herons Glen Recreation District, elected at large by owners in the District. A candidate for the position of Supervisor must be 18 years old, a property owner in the Herons Glen Recreation District, a Florida resident and must reside in the District for at least 90 days each year. Members of the Board of Supervisors serve without compensation.

Candidate **qualifying papers** will be accepted beginning January 24, 2024 and **must be received by 5:00 p.m., February 2, 2024**.

Persons wishing to qualify as a candidate for the Board of Supervisors **must** provide:

- 1) Name, as it is to appear on the ballot;
- 2) Residence address;
- 3) Signed statement certifying that they are 18 years of age, an owner of property in the Herons Glen Recreation District, reside in the District for at least 90 days each year; and
- 4) Candidate’s sworn oath as prescribed by Section 99.021, Florida Statutes

All above items must be delivered **to District Counsel, Thomas B. Hart at Knott Ebelini Hart, 1625 Hendry Street, Suite 301, Fort Myers, Florida 33901, not later than 5:00 p.m. on February 2, 2024**. The candidate’s oath may be obtained from the District Office or from Mr. Hart.

Candidates may also include with their qualifying documents a one-page bio/info sheet/ resume for distribution to voters when ballots are mailed.

EXHIBIT “B”

ELECTION PROCEDURES FOR HERONS GLEN RECREATION DISTRICT ELECTION ON MARCH 26, 2024

M. Election Procedures

In connection with elections of the Board, the following procedures shall apply:

1. Establishing the Election

a. At the first meeting of the Board in January of each year, the HGRD will call for an election of Board members to fill the positions of any Board members whose terms of service will expire on March 31st of that year. In its Resolution the Board will set the dates for the election and the qualifying period, and procedures by which qualified residents of the HGRD may become a candidate for the soon to be open Board positions.

b. A Notice of Election and Candidate Qualifying will be published in a newspaper of general circulation in the County on or about the first date of candidate qualifying and during the 5th and 3rd weeks prior to the election and it shall be posted on the HGRD's bulletin board. The notice will provide the dates for qualifying to commence and end as well as the name and address of the person to whom nominations for the open positions must be provided, in writing.

c. Counsel for the District will serve as qualifying officer for candidates. Nominations by any person for the position of Supervisor will be accepted at the Counsel's office, in writing, beginning on date set by the Board. Counsel will inspect the statement of qualification of each nominee and inquire of the nominee, if unclear, whether they are qualified, i.e. 18 years old, a resident of Florida, own property in the District, resides in the District at least 90 days out of the year, have signed a notarized candidate's oath included in the appendix, and whether they wish to have their name placed on the ballot.

2. Preparation and Distribution of Ballots

a. After the close of nominations/qualifying for candidates, a ballot listing alphabetically the names of all persons who have qualified shall be prepared. The Ballot Instructions will say to vote for no more candidates than there are open positions.

b. One ballot will be mailed to each property owner within the District boundaries as determined from the records of the Lee County Property Appraiser. The voting instructions will tell each recipient that an election will be held at the District's Clubhouse on the established election date, the time after which Ballots will no longer be accepted and that

the owner may attend and vote in person, or may vote by the absentee method outlined in the included instructions.

c. The records of the Lee County Property Appraiser will be the official records of eligible voters within the District unless an owner provides alternate proof of ownership, acceptable to District Counsel. District Counsel may order the Property Appraiser's list of owners in Herons Glen, i.e. eligible voters, at his discretion but not earlier than eight (8) weeks prior to the election.

d. Included with the mailed ballots, if provided by or for the candidate by the end of the qualifying period, will be one 8 ½ in. by 11 inch page, but not more, of candidate biographical and/or qualifications information. Also a "Meet the Candidates" notice may be provided in the envelope containing the ballot.

e. The instructions will direct each voter to insert his or her marked ballot into an envelope (enclosed with the initial mailing) labeled "BALLOT." The "BALLOT" envelope is then to be placed into a second envelope ("Mailing Envelope") addressed on the front to Herons Glen Recreation District, 2250 Herons Glen Boulevard, Suite 100, North Fort Myers, Florida 33917.

f. Instructions to each voter will state that only those ballots delivered within a Mailing Envelope, with the Voter Certificate on the back having been signed by the voter and received by 4:00 p.m. on the day of the election (the "Close of Election") will be counted.

g. The Mailing Envelope will contain on the back a line for the voter's signature swearing to the following certification In this way, all voters will be required to sign the certification and there will be no way to link a voter's signature to his or her ballot. The following will be printed on the back of the mailing envelope:

Under penalty for false swearing, pursuant to Florida Statutes, I do solemnly swear or affirm: that I am a qualified voter in the Herons Glen Recreation District because I own property in the District; that I will not vote more than one ballot in this election; that I understand that a failure to sign this certificate will invalidate my BALLOT.

h. Directions for Voting on the back of Mailing Envelope will also state:

"NO BALLOT WILL BE COUNTED UNLESS VOTER'S CERTIFICATE IS PROPERLY SIGNED AND COMPLETED."

i. The voter's signature will not be required to be notarized, but the instructions will also contain the following notice:

Pursuant to Chapter 104, Florida Statutes, a person who willfully swears or affirms falsely to any oath or affirmation or willfully procures another person to swear or affirm falsely to an oath or affirmation in connection with or arising out of voting or elections, commits a felony of the Third Degree punishable as provided in Florida Statutes.

j. Voters are responsible to ensure that their properly completed Mailing Envelope (with ballot) is either mailed or hand-delivered to the District at the above-stated address and received prior to “Close of Election” established by the Board’s Resolution. All Mailing Envelopes received prior to the Close of Election must be kept in a locked receptacle which is securely maintained until opened by the Election Committee for counting on the date of the Election.

3. Conduct of Election

a. Prior to the annual election the Board shall appoint a Supervisor of Elections, an Election Committee consisting of seven members and two alternates, and shall designate a Board member to act as liaison to the Committee. The Supervisor of Elections shall solicit volunteers for the Election Committee. If greater than seven Residents volunteer, the Committee shall be selected by the Supervisor of Elections in a random drawing and approved by the Board. The committee shall perform its duties at the direction of the Supervisor of Elections. The Election Committee shall be responsible both for assisting at the “Meet the Candidates” event and overseeing the tabulation of ballots cast.

b. The Supervisor of Elections, in addition to any other duties, shall be responsible for the certification of each ballot. The name on each ballot received shall be compared to the listing of names supplied by The Lee County Property Appraiser Office to verify the voter’s eligibility. During this process, the Mailing Envelopes will be sorted alphabetically, and names checked for ownership rights against the Property Appraiser’s Lists and for duplicates. Only the first ballot received from any qualified voter will be counted. Any duplicate ballots received will be marked as such and not counted. Once verified by the Supervisor of Elections, ballots in the unopened Mailing envelopes shall be placed in a locked cabinet until 9:00 a.m. on the day of the Election.

c. Beginning at 9 A.M. on the day of the election, the Supervisor of Elections and the District’s staff volunteers will open the Mailing Envelopes, take out ballot envelopes and mix the unopened ballot envelopes together.

d. After the Close of Election on the day of the election any ballots received before the Close of Election will be brought to a convenient place in the Clubhouse where the Supervisor of Elections and District employees will open and count the ballots in the presence of any members of the public wishing to observe. If there are not enough District employees, members of the Election Committee may help open and count the ballots.

4. Method of tabulation:

a. There will be several counting stations each consisting of tables with two District employees and one member of the Election Committee. One employee will open the ballot and read aloud the votes on each ballot. The other employee will record the vote on tally sheets. The member of the Election Committee at each station shall observe the process of tallying in order to ensure that votes recorded for each ballot are correctly checked and tabulated. Once all the ballots at each station have been recorded and counted, the tally sheets shall be given to the Supervisor of Elections who will be responsible, in coordination with the District's Counsel, to accurately total all of the votes and determine preliminary results of the election.

b. Such results are preliminary results. They are not final until the Board has heard and determined any voter qualification questions and the Board has officially accepted the final vote tally.

c. Any vote tally which reflects that a candidate was defeated by a margin of less than one-half of one percent of the total votes cast shall be recounted. These elections are determined by a plurality, meaning the candidate(s) with the highest vote total(s) win the open position(s). There are no runoffs. In the event of a tie vote, the two candidates shall draw lots or flip a coin to determine the winner.

d. The Supervisor of Elections may publicly report the result of the election immediately after counting all ballots. The official report of election results will be presented to the Board by the District's counsel and made a part of the Minutes at the next Board meeting and the Board shall declare the official election results at that meeting.

e. The ballots and mailing envelopes will be retained for a minimum of one year and shall be available for inspection by the public after they have been counted, but they may not be handled by anyone other than the Elections Supervisor or Elections Committee members. If requested, the Elections Committee will determine a reasonable time and place for the inspection of ballots and mailing envelopes.

Exhibit “C”

CANDIDATE OATH

STATE OF FLORIDA)
COUNTY OF LEE)

Before me, an officer authorized to administer oaths, personally appeared the undersigned, to me well known, who, being sworn, says:

- I am a candidate for the office of Supervisor of Herons Glen Recreation District;
- I am a qualified elector of (i.e. registered to vote in) _____ County, Florida;
- I am qualified under the Constitution and the laws of Florida to hold the office to which I am seeking to be elected;
- I have qualified for no other public office in the state, the term of which office or any part thereof runs concurrent with that of the office I seek;
- I have resigned from any office from which I am required to resign pursuant to § 99.012, Florida Statutes;
- I will support the Constitution of the United States and the Constitution of the State of Florida.
- I am over the age of 18;
- I am an owner of property in the Herons Glen Recreation District;
- I reside in the District for at least 90 days each year;
- My name, as it is to appear on the ballot, is: _____

Signature of candidate

Residence address of candidate

City, State, Zip Code

SWORN TO AND SUBSCRIBED before me this _____ day of _____, 2024, at Lee County, Florida, appeared _____ who is known to me or who has produced _____, as identification.

Signature of Notary Public – State of Florida

Printed Name of Notary Public

My Commission Expires: