

RESOLUTION NO. 2023-04

A RESOLUTION OF THE HERONS GLEN RECREATION DISTRICT AMENDING THE DISTRICTS' POLICIES AND PROCEDURES REGARDING ELECTION PROCEDURES; PROVIDING FOR GENERAL AUTHORITY; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF THE HERONS GLEN RECREATION DISTRICT:

SECTION 1. AUTHORITY FOR THIS RESOLUTION. The Board of Supervisors (the "Board") of the Herons Glen Recreation District (the "District") is authorized to adopt this Resolution under the authority granted by the provisions of Chapter 418, Part II, Florida Statutes, as amended, Ordinance No. 98-08 adopted by Lee County, Florida on April 28, 1998, as amended, and other applicable provisions of law (collectively, the "Act").

SECTION 2. FINDINGS.

- A. Pursuant to the Act, the District shall set its operating policies.
- B. The District has previously adopted from time to time Policies, Procedures and Rules and Regulations.
- C. District now desires to amend its Policies and Procedures regarding the conduct of District Elections consistent with the amendments set forth herein.

SECTION 3. PREVIOUSLY ADOPTED POLICIES. The District hereby acknowledges and ratifies its previously adopted policies which are not inconsistent with this Amendment.

SECTION 4. AMENDMENT OF POLICIES AND PROCEDURES. The Policies and Procedures of the District are hereby amended in accordance with the following:

The District's Policies and Procedures for the Election of the Board of Supervisors are hereby amended and supplemented by the procedures described in Exhibit "A" attached hereto and incorporated herein.

SECTION 5. SEVERABILITY. Should any sentence, section, clause, part or provision of this resolution or the attachments hereto be declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of this resolution as a whole or any part thereof other than the part declared invalid.

SECTION 6. EFFECTIVE DATE. This resolution shall be effective immediately upon its adoption.

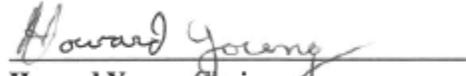
PASSED AND ADOPTED at a meeting of the Board of Supervisors of the Herons Glen Recreation District this 6th day of March 2023.

DISTRICT

ATTEST:


District Secretary

HERONS GLEN RECREATION


Howard Young, Chair

ADMINISTRATIVE CODE AND POLICIES

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 HGRD 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. are 18 years old, a resident of Florida, own property in the HGRD, reside in the HGRD 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 Herons Glen Recreation 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 HGRD'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 HGRD unless an owner provides alternate proof of ownership, acceptable to HGRD Counsel. HGRD 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 HGRD; 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.

In this way, all voters will be required to sign the certification, but there will be no way to link a voter’s signature to his or her ballot.

j. Voters are responsible to ensure that their properly completed Mailing Envelope (with ballot) is either mailed or hand-delivered to the HGRD 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 approve a Supervisor of Elections, an Election Committee, and shall designate a Board member to act as liaison to the Committee. The HGRD shall solicit volunteers for the seven-member Election Committee, with two alternates. The Committee shall be selected by the Supervisor of Elections in a random drawing from the solicited volunteers. The committee shall perform its duties at the direction of the Supervisor of Elections. The Election Committee shall be responsible for 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 voters 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. On the day of the Election, no earlier than 9:00 a.m., the Supervisor of Elections, in the presence of at least two members of the Election Committee, will open the Mailing Envelopes, take out the Ballot Envelopes, and combine 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 HGRD employees will open and count the ballots in the presence of any members of the public wishing to observe. If there are not enough HGRD 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 HGRD 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 HGRD'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 of Supervisors 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) wins 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 of Supervisors by the Supervisor of Elections and HGRD'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.