



# REFERENDUM ELECTION

## PROPOSED AMENDMENTS TO THE ORANGE COUNTY CHARTER

### NOV 4, 2014

#### ORANGE COUNTY CHARTER

The Orange County Charter was originally approved by a majority vote of the qualified electors of Orange County on November 4, 1986. The Charter specifies the structure of the County's government and provides for all powers of local self-government not inconsistent with the Florida Constitution or Florida law.

#### **THERE ARE THREE (3) WAYS THE CHARTER MAY BE AMENDED:**

1. The Charter Review Commission, appointed by the Board of County Commissioners every four (4) years, is empowered to conduct a comprehensive study of County government and the Charter, and to place proposed amendments or revisions to the Charter on the ballot during general elections;
2. The Board of County Commissioners, by majority vote, may propose amendments to the Charter subject to referendum by the general electorate at any primary, general or special election; and
3. Citizens may initiate amendment or repeal of the Charter by petition, which shall be signed by ten percent (10%) of County electors in a majority of the commission districts.

#### **PROPOSED AMENDMENTS TO THE ORANGE COUNTY CHARTER**

During the November 4, 2014 general election, Orange County voters will consider four (4) separate ballot measures proposing amendments to the Orange County Charter, see ballot questions A - D for more information.

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#### QUESTION A

#### Regarding Elections on Citizen Petition Initiatives

For the purpose of allowing citizens more time to consider referendum elections on initiative petitions and to provide certainty regarding petition submittal requirements, shall the Orange County Charter be amended to require petition initiatives to have sufficient signatures verified at least 150 days prior to the next primary, general or special election?

- Yes  
 No

*This measure was proposed by the Board of County Commissioners in Ordinance No. 2014-19, adopted on July 29, 2014. It proposes amending Section 602 of the Charter regarding the timeframe during which a referendum election will occur to propose charter and ordinance amendments by citizen initiative petition.*

Current Charter	Proposed Charter Amendment
Within 30 days of receipt of initiative petition signatures, Supervisor of Elections verifies signatures and provides written report to Board of County Commissioners	No change
Within 30 days of receipt of Supervisor's written report, Board of County Commissioners adopts resolution calling referendum on the proposed petition	No change
Referendum election to be held at the next primary, general or special election occurring <b>at least 45 days after the Board's adoption of the resolution</b>	Referendum election to be held at the next primary, general or special election occurring <b>at least 150 days after verification of signatures by the Supervisor of Elections</b>

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### QUESTION B

#### Regarding Limiting the Power to Amend the Charter

Shall the Orange County Charter be amended to limit the amendment of the Charter by initiative, and the enactment, amendment or repeal of ordinances by initiative, where the initiative concerns the regulation of employer wages, benefits, or hours of work; or the encumbrance or allocation of tax revenues not authorized by law or conditioned upon a prospective change in law; and to impose prohibitions on the Board of County Commissioners?

- Yes  
 No

*This measure was proposed by the Board of County Commissioners in Ordinance No. 2014-20, adopted on July 29, 2014. It proposes amending Section 603 of the Charter to provide additional subject-matter limitations for ordinance and Charter amendments proposed by initiative. This measure also proposes to prohibit the Board of County Commissioners from calling a referendum on ordinance and Charter amendments proposed by initiative, and from declaring as enacted any ordinance proposed by initiative, when the proposals violate these Charter limitations or Florida law.*

Current Charter	Proposed Charter Amendment
<p>The power to enact, amend or repeal an ordinance by initiative may not include ordinances relating to administrative or judicial functions of county government, including:</p> <ul style="list-style-type: none"><li>• County budget</li><li>• Debt obligations</li><li>• Capital improvement programs</li><li>• Salaries of County officers and employees</li><li>• Levy and collection of taxes</li></ul>	<p>The power to enact, amend or repeal an ordinance by initiative may not include ordinances relating to administrative or judicial functions of county government, including:</p> <ul style="list-style-type: none"><li>• County budget</li><li>• Debt obligations</li><li>• Capital improvement programs</li><li>• Salaries of County officers and employees</li><li>• Levy and collection of taxes</li></ul> <p><b>Initiatives to amend the Charter or to enact, amend or repeal an ordinance may not extend to:</b></p> <ul style="list-style-type: none"><li>• <b>Regulation of employer wages, benefits or hours of work</b></li><li>• <b>Encumbrance or allocation of tax revenues for any purpose not authorized by law</b></li><li>• <b>Encumbrance or allocation of tax revenues conditioned on a prospective change in law</b></li></ul> <p><b>Board of County Commissioners may not call a referendum on any charter amendment or ordinance proposed by initiative if the Board determines the proposed amendment violates the Charter's limitations or Florida law.</b></p> <p><b>Board of County Commissioners may not declare as enacted any ordinance proposed by initiative if the Board determines the proposed ordinance violates the Charter's limitations or Florida law.</b></p>

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#### QUESTION C

#### **Moving Countywide Charter Office Elections and Making All Charter Office Elections Partisan**

Shall the Orange County Charter be amended to move elections for all Charter offices elected countywide to 2016 and every four years thereafter, abbreviate the term of any office as necessary to comply with this provision, change all Charter office elections from nonpartisan to partisan elections and eliminate procedures required for nonpartisan elections?

Yes

No

*This measure was proposed through the citizen initiative petition process by Citizens for Informed Elections. After receiving written verification from the Supervisor of Elections that the requisite number of signatures had been received in support of the petition, the Board of County Commissioners adopted Resolution No. 2014-M-41 on July 29, 2014, calling a referendum on the proposed amendment to the Charter.*

*The measure proposes revising Section 605 of the Charter in its entirety. The proposal provides that elections for Charter offices elected countywide shall be held in 2016 and every four (4) years thereafter. The term of any Charter office affected by the new election schedule would be abbreviated and would end on the same day as the term of office of County Commissioners elected in 2012. Currently, the office of the Mayor is the only Charter office elected countywide and would therefore be the only office affected by this portion of the proposed revision to Section 605.*

*This measure also proposes making elections for all Charter offices partisan. This portion of the proposal would affect the Mayor and the County Commissioners.*

Current Charter	Proposed Charter Amendment
<p data-bbox="103 1446 529 1478">Section 605. Nonpartisan elections</p> <ul data-bbox="152 1518 792 2003" style="list-style-type: none"><li>• Elections for all Charter offices are nonpartisan</li><li>• No candidate pays political party assessment</li><li>• Political party affiliation does not appear on ballot</li><li>• If more than two (2) candidates qualify for any one (1) Charter office, election to be held during first primary election</li><li>• If no candidate receives majority of votes cast, the two (2) candidates receiving most votes shall be subject to runoff election during the general election</li><li>• Mayor elected in same year as Commissioners from even-numbered districts</li><li>• Next Mayoral election in 2018</li></ul>	<p data-bbox="818 1446 1105 1478"><b>Section 605. Elections</b></p> <ul data-bbox="867 1518 1500 2003" style="list-style-type: none"><li>• <b>Elections for all Charter offices partisan</b></li><li>• <b>Partisan elections conducted according to Florida law</b></li><li>• <b>Political party affiliation would appear on ballot</b></li><li>• <b>Applicable political party assessments required to be paid</b></li><li>• <b>Elections for Charter offices elected countywide shall be held in 2016 and every four (4) years thereafter</b></li><li>• <b>Only affects office of the Mayor</b></li><li>• <b>Mayor's current term of office abbreviated by two (2) years</b></li><li>• <b>Next Mayoral election in 2016</b></li></ul>

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#### QUESTION D

#### **Providing Term Limits and Non-partisan Elections for County Constitutional Officers**

For the purpose of establishing term limits and non-partisan elections for the Orange County Clerk of the Circuit Court, Comptroller, Property Appraiser, Sheriff, Supervisor of Elections and Tax Collector, this amendment provides for county constitutional officers to be elected on a non-partisan basis and subject to term limits of four consecutive full 4-year terms.

Yes

No

*This measure was proposed by the Board of County Commissioners in Ordinance No. 2014-21, adopted on August 19, 2014. It proposes amending Section 703 of the Charter to establish term limits and non-partisan elections for County Constitutional officers. The County Constitutional Officers affected by this measure are the Orange County Clerk of the Circuit Court, Comptroller, Property Appraiser, Sheriff, Supervisor of Elections and Tax Collector.*

<b>Current Charter</b>	<b>Proposed Charter Amendment</b>
County Constitutional Officers: <ul style="list-style-type: none"><li>• Independent officers governed by the Florida Constitution and the laws of the state of Florida</li></ul>	No change
<ul style="list-style-type: none"><li>• Subject to partisan elections</li><li>• No term limits</li></ul>	<ul style="list-style-type: none"><li>• <b>Subject to non-partisan elections</b></li><li>• <b>If more than two (2) candidates qualify for any one (1) office, election to be held during first primary election</b></li><li>• <b>If no candidate receives majority of votes cast, the two (2) candidates receiving most votes shall be subject to runoff election during the general election</b></li><li>• <b>Subject to term limits of four (4) consecutive, full 4-year terms of office</b></li><li>• <b>Any term of office starting before January 1, 2015 shall not be counted for purposes of applying term limits</b></li></ul>