

**IN THE CIRCUIT COURT OF THE NINTH JUDICIAL CIRCUIT  
IN AND FOR ORANGE COUNTY, FLORIDA**

**MARCOS SAYAGO, individually,**

**Plaintiff,**

vs.

CASE NO.: 2014-CA-\_\_\_\_\_  
Division \_\_\_\_

**BILL COWLES**, in his official capacity as Supervisor of Elections in and for Orange County, Florida, and **ORANGE COUNTY, FLORIDA**, a charter county and a political subdivision of the State of Florida.

**Defendants.**

\_\_\_\_\_ /

**COMPLAINT FOR INJUNCTIVE AND DECLARATORY RELIEF**

The Plaintiff, MARCOS SAYAGO (“Sayago”), hereby sues Defendants BILL COWLES, in his official capacity as the Orange County Supervisor of Elections, and ORANGE COUNTY, FLORIDA, a charter county and political subdivision of the State of Florida (“County”) acting through its Board of County Commissioners (“BCC”), and for the causes of action states as follows:

**I. JURISDICTION AND VENUE**

1. This case involves a dispute over the legality and validity of a ballot initiative petition, its ballot title and ballot summary, and the passage of a resolution by the BCC, all purporting to pertain to term of office for charter offices in the County, and all of which have materially

misled and will continue to materially mislead registered voters as to the scope, application, subject matter and chief purpose of the charter amendment proposed by the petition, all in violation of Florida law and public policy.

2. This Court has subject matter jurisdiction over this action pursuant to Art. V., § 20(c)(3), *Fla. Const.*, and §§ 26.012(3) and 86.011, *Fla. Stat.*(2011).
3. Venue properly lies in Orange County, Florida because, *inter alia*, this action seeks to enjoin placement on the general election ballot in Orange County of a referendum on a proposal to reschedule elections in Orange County for “all charter offices elected countywide” from 2018 to 2016.
4. All conditions precedent to the filing of this action have occurred, have been performed or have been waived.

## **II. PARTIES**

5. Defendant BILL COWLES holds the elected constitutional office of Supervisor of Elections for Orange County, Florida, and his office is charged with administering the subject Petition.
6. Defendant ORANGE COUNTY, acting through its Board of County Commissioners , is a charter county and a political subdivision of the State of Florida; and on July 29, 2014, passed a resolution pursuant to Section 602A of the Orange County Charter calling for a referendum on an

initiative petition titled “ Moving Countywide Charter Office Elections and Making All Charter Office Elections Partisan” (hereinafter “subject Petition”). A true and correct copy of the subject Petition is attached hereto as Exhibit “1.”

7. Plaintiff, Sayago, is a registered voter and resident of Orange County, Florida and has standing to bring this action and seek the relief requested herein.
8. The purported sponsor of the subject Petition, “Citizens for Informed Elections” (“CIE”) is not a party to this suit for the following reasons:
  - A. CIE is not a “political committee” or “electioneering communication organization” organized and operating under the Florida Election Code (Chapters 97-106, *Fla. Stat.*).
  - B. There is no record of CIE filing a corporate or other business-entity status with the Florida Division of Corporations.
  - C. There is no record of CIE otherwise registering and qualifying under the Florida Election Code as a political committee or electioneering communications organization.
  - D. There is no public record of any registered agent for CIE.
  - E. CIE consequently has no standing or legal right to be a party to an action in the State of Florida and is not joined as a party in this action.

9. Notwithstanding the legal inability for CIE to be a party to judicial action in Florida for the above reasons, the Plaintiff intends to serve this Complaint on one Sean Ashby, the individual who appears to purport to act for CIE, as a courtesy and to provide notice of this action.
10. Sean Ashby likewise has no standing or right to be party or to intervene in this action.
11. The Plaintiff is earnest in his desire to get to a resolution of this issue both on the merits and in a timely manner. Therefore, if this Court is willing or would prefer to allow either CIE or Sean Ashby to be an intervenor in this case, despite the apparent lack of standing on the part of either, the Plaintiff does not object.

## **II. SUBJECT PETITION AND CHARTER PROVISIONS**

12. The face of the subject Petition (Exhibit "1") presented to potential signatories thereof the following ballot title and ballot summary:

BALLOT TITLE: Moving Countywide Charter Office Elections and Making All Charter Office Elections Partisan.

BALLOT SUMMARY: 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?

13. On July 29, 2014, the BCC voted to place the subject Petition on the

November ballot as a referendum.

14. If the referendum passes during the November 2014 general election, the effect will be to revise Section 605 of the Orange County Charter in its entirety as shown on the subject Petition (Exhibit 1). One effect of the revision to Section 605 is to reschedule the next election of “all Charter offices elected countywide” from 2018 to 2016.
15. The phrase “all Charter offices elected countywide” is materially misleading.
16. If the referendum passes, only one (1) county official, Orange County Mayor Teresa Jacobs (“Jacobs”), will have a term of office cut in half and be forced to run for election again in two years, rather than four.
17. Jacob’s, who is unopposed for reelection this year and, therefore, is now deemed under Florida law to be reelected, would otherwise have a new term of office from 2014 through 2018. However, the subject Petition singles out only the office of Jacobs – that is, the office of Orange County Mayor – and reduces Jacob’s next term of office by two years, thereby cutting Jacob’s next term in half.
18. Voters, such as Sayago, are reasonably led to believe by Florida election law and the county charter that Jacobs has been reelected for a new four-year term; however, if the subject Petition passes during the same election on November 4, 2014, the legitimate belief of the voters, such as Sayago, is undermined, and the ballot title and ballot summary does not and will not

correct or dispel that belief.

19. Plaintiff alleges that the subject Petition and its ballot title and ballot summary:

**A.** Mislead voters into believing that more than one “Charter office elected countywide” will be subject to the rescheduling of elections and truncation of terms;

**B.** Fail to state with specificity, and otherwise fail to disclose, that *the only office* which will be impacted by the amendment to Section 605 of the Orange County Charter is that of Jacobs;

**C.** Use vague, generic, and deceptive terms to hide the actual intent and effect of the subject Petition;

**D.** Deceive voters by failing to disclose that Jacobs will have not a full four-year term of office, but rather a term cut in half;

20. Pursuant to section 602 of the Charter, once the requisite number of signatures is obtained on a petition, Defendant COWLES verifies the required number of valid signatures on the petition, and then he must submit a written report of the same to BCC.

21. On July 2, 2014, Defendant Cowles reported to the BCC that he had received and verified the number of signed petitions needed under Section 602 of the charter to allow and require a referendum on the proposed charter change.

22. Pursuant to Charter subsection 602A, if and when Defendant COWLES

verifies and reports to the BCC that the requisite number of names have been submitted, the B C C must then call for a referendum on the petition, by resolution.

23. At a public meeting on July 29, 2014, the BCC approved its resolution calling for a referendum on the subject Petition to be held at the general election on November 4, 2014. A copy of the resolution (“Resolution”) is attached as Exhibit “2”.
24. Defendant COWLES is responsible for conducting Orange County’s general election on November 4, 2014, including without limitation, the printing of ballots for the referendum on the subject Petition and the counting of votes for and from same.
25. Plaintiff sues Defendants in order to protect the integrity of the election process and ensure the legitimacy of and continued voter trust in Orange County elections.

**COUNT ONE**  
**INJUNCTIVE RELIEF BASED ON MATERIALLY MISLEADING**  
**AND LEGALLY DEFECTIVE BALLOT TITLE AND BALLOT**  
**SUMMARY**

26. Plaintiff hereby incorporates and re-alleges paragraphs 1 through 25, *supra*.
27. The subject Petition violates the ballot-title and ballot-summary requirements of subsection 101.161(1), *Fla. Stat.* (2011), in at least three distinct and material ways. The result of violating those statutory

requirements is that the registered voters that were persuaded to sign the subject Petition, and the registered voters that may vote in the referendum on the subject Petition, have been materially misled, are being materially misled, and will continue to be materially misled with respect to the charter amendment proposed by the subject Petition.

### **A. Standard of Review**

28. The subject Petition constitutes a “public measure” under § 101.161(1), *Fla. Stat.*(2014), which provides, in pertinent part, that:

Whenever a . . . public measure is submitted to the vote of the people, a ballot summary of such . . . public measure shall be printed in clear and unambiguous language on the ballot . . . .

The ballot summary of the . . . public measure and the ballot title to appear on the ballot shall be embodied in the . . . enabling resolution or ordinance. . . .

The ballot summary of the . . . public measure shall be an explanatory statement, not exceeding 75 words in length, of the chief purpose of the measure. . . .

The ballot title shall consist of a caption, not exceeding 15 words in length, by which the measure is commonly referred to or spoken of. . . .

29. Section 101.161(1) requires that the ballot title and summary must “state in clear and unambiguous language the chief purpose of the measure.”

*Armstrong v. Harris*, 773 So. 2d 7, 13 (Fla. 2000), *cert. denied*, 532

U.S. 958 (2001) (*quoting Askew v. Firestone*, 421 So. 2d 151, 154-55



(Fla. 1982). Further, “[w]hat the law requires is that the ballot be fair and advise the voter sufficiently to enable him intelligently to cast his ballot.”

Id.

30. When the ballot summary of a proposed public measure contains ambiguous, deceptive, or misleading language, it fails in its essential purpose and must be stricken. *See, e.g., Fla. Dept. of State v. Mangat*, 43 So. 3d 642, 650 (Fla. 2010) (“In this case, the ballot language put forth by the party proposing the constitutional amendment contains misleading and ambiguous language. Currently, our only recourse is to strike the proposed constitutional amendment from the ballot, thereby removing it from a vote of the electorate.”) (*citing Askew*, 421 So. 2d at 156 (“striking from the ballot a proposed constitutional amendment regarding the ban on lobbying by former legislators based on the misleading ballot summary in the joint resolution.”)). *See also Advisory Op. to Atty. Gen. re Term Limits Pledge*, 718 So. 2d 798, 804 (Fla. 1998) (striking from the ballot a misleading ballot summary in a citizens initiative petition relating to property tax cap).
31. Florida law provides that a ballot title or summary is misleading if it “flies under false colors” or “hides the ball” as to its true effect. *Roberts v. Doyle*, 43 So. 3d 654, 659 (Fla. 2010); *see also Armstrong*, 773 So. 2d at 16.

**B. “Charter Office” versus “Mayor”**

32. The subject Petition’s ballot summary and ballot title violate Section 101.161(1) and Florida case law because they misleadingly represent to the reader that more than one “charter offices” will be affected by the Petition, when in fact, *the only office affected* is that of the County Mayor.
33. Only the term of office for the County Mayor will be reduced from four years to two when its next scheduled election in 2018 is rescheduled under the proposed charter amendment to 2016.
34. The ballot title and ballot summary for the subject Petition uses and emphasizes the terms “Charter Offices” and “Charter office elections” four (4) separate times.
35. In contrast, the word “Mayor” is not used a single time in either the ballot title or summary, notwithstanding that the scope of the proposed amendment to Section 605 indisputably applies only to Jacobs and to no other officials.
36. As a result, the repeated use of the terms “Charter Offices” and “Charter office elections” in the subject Petition’s ballot title and ballot summary misleads and confuses members of the public into thinking that two or more offices may be subject to the rescheduling of elections, which is patently untrue and incomplete and therefore renders the subject Petition fatally defective. *See, e.g., Right of Citizens to*

*Choose Health Care Providers*, 705 So. 2d 563, 565 (Fla. 1998) (“[T]his Court finds that the proposed initiative violates . . . the requirements of section 101.161, Florida Statutes (1995), that the ballot title and summary properly inform the voters of the amendment's complete meaning.”).

Overall, the proposed amendment is vague and fails to completely inform voters of the impact that the initiative will have on existing laws and the Florida Constitution. Consequently, we do not approve the proposed initiative for placement on the ballot.”).

37. The ballot title and ballot summary are entirely silent regarding this sole impact of the proposed amendment.
38. The ballot title and ballot summary, consequently, are in violation of the requirements of subsection 101.161(1), *Fla. Stat.*, and thus legally flawed and fatally defective.

### **C. Irreparable Harm**

39. A violation of Section 101.161(1), *Fla. Stat.*, is itself a harm sufficient to warrant the granting of injunctive relief, as the statute requires no additional showing of harm, and the violation of a statutory mandate constitutes an irreparable public injury. Therefore, a mere showing that the statute has been or is clearly about to be violated fully satisfies the requirement of a showing of irreparable harm for injunctive relief.
40. Under these circumstances, Plaintiffs will suffer irreparable harm if the

misleading and legally-defective subject Petition is permitted to be placed on the ballot.

41. The harm to the Plaintiffs has no adequate remedy at law, the Plaintiffs have a substantial likelihood of success on the merits of this action, and injunctive relief will serve the public interest by preventing a materially misleading and legally defective ballot title and ballot summary from being placed on the ballot.

**COUNT TWO**  
**DECLARATORY RELIEF**

42. Plaintiffs hereby incorporate and re-allege paragraphs 1 through 41, *supra*.
43. There is a present controversy between Plaintiff and Defendants COWLES and Orange County and there is doubt concerning the nature of their legal relations and their respective rights related to the subject Petition and its proposed amendment to Section 605 of the Orange County Charter.
44. Plaintiff contends that the subject Petition and its proposed amendment are legally defective and invalid as a matter of law.
45. Defendants contend that the subject Petition and its proposed ordinance are not legally defective and invalid as a matter of law.
46. Under these facts and circumstances, Plaintiff is in doubt concerning his rights and obligations regarding the subject Petition and its proposed charter amendment.

47. There is a present need for declaratory and supplemental relief because:
- (a) the parties disagree with each other's position regarding the validity and enforceability of the subject Petition and its proposed charter amendment; and
  - (b) the parties are entitled to have a resolution of this issue finally declared and established.

**PRAYER FOR RELIEF**

**WHEREFORE**, Plaintiff respectfully requests this Honorable Court to render an Order and Final Judgment awarding the following relief in favor of the Plaintiff and against Defendants Orange County and COWLES:

- A.** Declaring that the subject Petition's ballot title and summary are unclear, ambiguous, deceptive, and materially misleading in violation of Section 101.161, *Fla. Stat.* (2014);
- B.** Declaring that the subject Petition and its proposed charter amendment are invalid and legally defective under Florida law;
- C.** Enjoining Defendant COWLES from placing the subject Petition on the ballot for the general election on November 4, 2014;
- D.** Rendering a writ of mandamus directing Defendant COWLES to strike the subject Petition from the ballot, in the event it has already been placed thereon, or otherwise to refrain from counting, tabulating, or publishing the results of votes cast thereon; and/or
- E.** Awarding all other relief the Court deems just and proper under the facts and circumstances of this case.

Respectfully submitted this 1st day of August, 2014.

*/s/ Robert L. Sirianni, Jr., Esq.*

ROBERT L. SIRIANNI, JR, ESQ.

Florida Bar No.: 684716

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*Lead Counsel for Plaintiff*

# Petition to Place Orange County Charter Amendment Regarding Charter Office Elections on Ballot

- Note:** • All information on this form, including your signature, becomes a public record upon receipt by the Supervisor of Elections.
- Per Florida law it is a first-degree misdemeanor, punishable as provided in s. 775.082 or 775.083, Fla. Stat., to knowingly sign more than one petition for an issue.
  - If all requested information on this form is not complete, the form will not be valid.

Your name: \_\_\_\_\_ County: ORANGE

Residential street address: \_\_\_\_\_ City: \_\_\_\_\_

Zip: \_\_\_\_\_ Date of Birth: \_\_\_\_\_ OR Voter Registration No \_\_\_\_\_

I am a registered Florida voter & hereby petition the Orange County Commission to place the following proposed amendment on the ballot.

## BALLOT TITLE: MOVING COUNTYWIDE CHARTER OFFICE ELECTIONS AND MAKING ALL CHARTER OFFICE ELECTIONS PARTISAN.

**BALLOT SUMMARY:** 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?

**ORANGE COUNTY CHARTER PROVISION BEING AMENDED: Section 605. Elections.**

### Sec. 605. Nonpartisan elections. Elections.

Notwithstanding any other provision of this Charter, elections for all Charter offices elected countywide shall be held in 2016 and every four years thereafter in the manner prescribed by this Charter. The term of any office subject to this provision shall be abbreviated as necessary to comply with this provision and shall end the same day as the term of office of Orange County Commissioners elected in 2012. Elections for all Charter offices shall be partisan and held in accordance with Florida statutes regarding such elections.

Elections for all Charter offices shall include the name be nonpartisan. No candidate shall be required to pay any party assessment or be required to state the party of which the candidate is a member. All candidates' names shall be placed on the ballot without reference to political party affiliation.

In the event that more than two (2) candidates have qualified for any single office under the chartered government, an election shall be held at the time of the first primary election and, providing no candidate receives a majority of the votes cast, the two (2) candidates receiving the most votes shall be placed on the ballot for the general election.

REGISTERED VOTER'S SIGNATURE: \_\_\_\_\_

SIGNATURE DATE: \_\_\_\_\_

Paid political advertisement paid for and approved by Citizens for Informed Elections, P.O. Box 4311, Orlando FL 32802-4311.

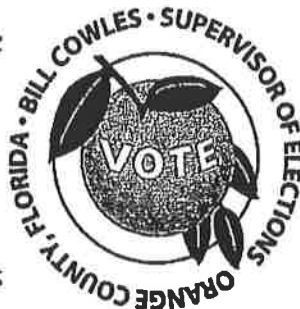
Paid Petition Circulator's Name: \_\_\_\_\_

Address: \_\_\_\_\_

SIGNATURE OF PAID CIRCULATOR: \_\_\_\_\_




**BILL COWLES**  
Supervisor of Elections  
Orange County, Florida



OUR MISSION IS TO:

*Ensure the integrity of the electoral process.  
Enhance public confidence.  
Encourage citizen participation.*

TO: Sean Ashby  
FROM:  Bill Cowles, Supervisor of Elections  
RE: Orange County Petition under Section 601(A) Charter  
DATE: January 2, 2014

Via email and hardcopy

We have received and reviewed your "Petition to Place Orange County Charter Amendment Regarding Charter Office Elections on Ballot." The petition form contains the required items from the voter in order for this office to verify the petition. The Supervisor of Elections Office is not responsible for the content of the petition. As the sponsor for two active petitions to change the Orange County Charter, be advised that they must be on separate forms with a voter signature on each.

Paragraph A of Section 601 states that, "A petition seeking to amend or repeal the Charter of Orange County shall be signed by ten (10) percent of the county electors in a majority of the commission districts as of January 1 of the year in which the petition is initiated," in this instance January 1, 2014.

As of January 1, 2014, there were 695,449 registered voters in Orange County. Listed below is the number of registered voters by Commission District and the 10% total.

District 1	119,021	11,902
District 2	112,505	11,250
District 3	123,752	12,375
District 4	116,755	11,675
District 5	130,777	13,077
District 6	92,639	9,264

Your petition has been approved and the procedures outlined in Section 602 are in effect. You have 180 days to collect petitions based on this approved petition.

Cc: Mayor Teresa Jacobs  
Jeffrey Newton, County Attorney  
Nicholas A. Shannin, Attorney for Supervisor of Elections



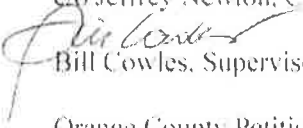
**BILL COWLES**  
Supervisor of Elections  
Orange County, Florida



OUR MISSION IS TO:

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TO: Orange County Board of County Commissioners  
c/o Jeffrey Newton, County Attorney

From:   
Bill Cowles, Supervisor of Elections

Re: Orange County Petition under Section 601(A) Ordinance

Date: July 2, 2014

Via email and hardcopy - Amended

This written report is issued to the Orange County Board of County Commissioners in compliance with Sections 601 and 602 of the Orange County Charter. A Petition was received on January 2, 2014, titled "Petition to Place Orange County Charter Amendment Regarding Charter Office Elections on Ballot." The 180 day time period for petition submission expired on July 1. Pursuant to Paragraph A of Section 601 and Section 602, the Petitioner was issued correspondence advising that the Charter required the Petitioner to obtain signatures from ten percent (10%) of the county electors in a majority of the commission districts as of January 1, 2014. This correspondence further delineated that requirement as follows, with the delineation of subsequently received valid signatures:

✓ District 1	11,902	valid signatures required:	<u>1,713</u>	valid signatures:
District 2*	11,250	valid signatures required:	<u>11,637</u>	valid signatures:
District 3*	12,375	valid signatures required:	<u>12,783</u>	valid signatures:
District 4*	11,675	valid signatures required:	<u>12,163</u>	valid signatures:
✓ District 5	13,077	valid signatures required:	<u>4,475</u>	valid signatures:
District 6*	9,264	valid signatures required:	<u>9,852</u>	valid signatures:

Accordingly, as of July 1, 2014, this Office has received the requisite number of valid signatures corresponding to the four (4) districts noted above, constituting the requisite majority required per Section 601(A), Orange County Charter. The Supervisor of Elections hereby complies with his duties pursuant to the Charter and provides this written report to the Orange County Board of County Commissioners verifying that the requirements of Sections 601(A) and 602 of the Charter regarding obtaining sufficient signatures has been fulfilled. Attached to this written report for the convenience of the Board is a copy of the January 2, 2014 correspondence issued to the Petitioner, the referenced Petition, and the Orange County Initiative Certification of Signatures issued to the Petitioner on July 2, 2014.

Attachments

cc: Sean Ashby, Citizens for Informed Elections  
Nicholas A. Shannin, General Counsel for Supervisor of Elections  
Ajit Lalechandani, County Administrator  
Katherine Latorre, Assistant County Attorney

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**BILL COWLES**  
Supervisor of Elections  
Orange County, Florida

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*Ensure the integrity of the electoral process.  
Enhance public confidence.  
Encourage citizen participation.*

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## ORANGE COUNTY INITIATIVE FINAL CERTIFICATION

JULY 2, 2014

I, **BILL COWLES**, Supervisor of Elections, Orange County, Florida, do hereby certify that there were 72,539 petitions submitted for

**MOVING COUNTYWIDE CHARTER OFFICE ELECTIONS AND MAKING  
ALL CHARTER OFFICE ELECTIONS PARTISAN**

Of that total, 52,623 were qualified electors of the county and eligible to sign a petition for this initiative. The initiative has met the petition requirement of valid signatures needed to qualify. The distribution of qualified electors amongst the six Commission Districts is noted on the attached spreadsheet, incorporated by reference.

(seal)



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**BILL COWLES**  
SUPERVISOR of ELECTIONS

APPROVED  
BY ORANGE COUNTY BOARD  
OF COUNTY COMMISSIONERS

JUL 29 2014 KH/ES



# RESOLUTION

*of the*  
**ORANGE COUNTY BOARD OF COUNTY COMMISSIONERS**  
*regarding*

CALLING A REFERENDUM ON A PROPOSAL TO MOVE  
ELECTIONS FOR ALL CHARTER OFFICES ELECTED  
COUNTYWIDE TO 2016 AND EVERY FOUR YEARS  
THEREAFTER, TO ABBREVIATE ANY TERM OF OFFICE  
CONSISTENT WITH THIS CHANGE, AND TO CHANGE ALL  
CHARTER OFFICE ELECTIONS FROM NONPARTISAN TO  
PARTISAN

**Resolution No. 2014-M-41**

WHEREAS, Citizens for Informed Elections filed a "Petition to Place Orange County Charter Amendment Regarding Charter Office Elections on Ballot" ("Petition") with the Supervisor of Elections; and

WHEREAS, by memorandum dated January 2, 2014, the Orange County Supervisor of Elections concluded that the Petition form contains the required items from the voter in order for his office to verify the Petition; and

WHEREAS, Article VI, Sections 601 and 602 of the Orange County Charter set forth the requirements and process for Initiative and Referendum; and

WHEREAS, Article VI, Section 602(A) of the Orange County Charter requires that within thirty (30) days after the requisite number of names have been verified by the Supervisor of Elections and reported to the Board of County Commissioners ("Board"), the Board shall, by resolution, call a referendum on the question of the adoption of the proposed petition to be held at the next primary, general or special election occurring at least 45 days after the adoption of such resolution; and

WHEREAS, the Orange County Supervisor of Elections has verified the requisite number of names and reported to the Board in an amended memorandum dated July 2, 2014; and

WHEREAS, pursuant to Article VI, Section 602(A) of the Orange County Charter, the Board desires to call a referendum on the question of the adoption of the proposed Petition to be held at the next primary, general or special election occurring at least 45 days after the adoption of this resolution.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF ORANGE COUNTY, FLORIDA:

**Section 1. Referendum Called.** That a referendum is hereby called pursuant to Article VI, Section 602(A) of the Orange County Charter, and the Orange County Supervisor of Elections is hereby directed to present the proposed Petition to the Orange County electorate and place the below-described ballot question on the next primary, general or special election occurring at least 45 days after the adoption of this resolution. The Board further authorizes the cost of such referendum and the cost of communicating factual information regarding the proposed Petition to the public, to the extent permitted by section 106.113, Florida Statutes, to be paid from the general funds of the county and directs the county mayor to prepare and effect such budget transfers as may be necessary for that purpose.

**Section 2. Ballot Title and Question.** The substance of the title and measure on the ballot shall read as follows:

**Title:**

MOVING COUNTYWIDE CHARTER OFFICE ELECTIONS AND MAKING ALL  
CHARTER OFFICE ELECTIONS PARTISAN

**Question:**

*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

The ballot title and question shall also appear on the ballot in Spanish, which Spanish version has been prepared by the Petition sponsor, and the Orange County Supervisor of Elections is requested, authorized and directed to include the Spanish version on the ballots distributed to county voters.

**Section 3. Severability.** If any clause, section or provision of this resolution shall be declared unconstitutional or invalid for any reason or cause, the remaining portion of said resolution shall be in full force and effect and be valid as if such invalid portion thereof had not been incorporated herein.

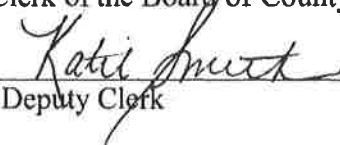
**Section 4. Effective Date.** This Resolution shall take effect upon the date of its adoption.

ADOPTED THIS 29th DAY OF JULY, 2014.

ORANGE COUNTY, FLORIDA  
By: Board of County Commissioners

BY:   
Teresa Jacobs, County Mayor

ATTEST: Martha O. Haynie, County Comptroller  
As Clerk of the Board of County Commissioners

BY:   
Deputy Clerk

