

ORDINANCE 12-11

AN ORDINANCE CREATING A NEW DIVISION 12 IN CHAPTER 2, ARTICLE IV OF THE TOWN OF FORT MYERS BEACH CODE OF ORDINANCES, "ELECTION CANVASSING BOARD;" CREATING SECTION 2-460, "CREATION AND PURPOSE; COMPOSITION;" CREATING SECTION 2-461, "DUTIES;" PROVIDING SEVERABILITY AND AN EFFECTIVE DATE.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH, FLORIDA AS FOLLOWS:

**Section 1.** Chapter 2, Article IV, Division 12, Sections 2-460 through 2-461 of the Town of Fort Myers Beach Code of Ordinances is hereby created as follows:

**Division 12. Election Canvassing Board**

**Sec. 2-460. Creation and purpose; composition.**

(a) There is hereby established a Town of Fort Myers Beach election canvassing board for the purpose of canvassing the votes cast in Town elections as required by the election laws of the State of Florida. In the event that any member of the canvassing board is unable to serve, the town council shall name a replacement for that member.

(b) The Town of Fort Myers Beach Canvassing board shall consist of the Mayor or a councilperson designated by the Mayor, the Town Clerk, and the Lee County Supervisor of Elections. If any member of the canvassing board is an incumbent who is a candidate for re-election, then that member may not serve and the Town Council shall appoint a replacement for that member.

**Sec. 2-461. Duties.**

The duties of the election canvassing board shall include canvassing the returns of the election, general supervision of election procedures, investigation and determination of any administrative challenge of the election and any other procedural responsibilities related to the election as provided by applicable law.

**Section 2.** Severability. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions hereof.

**Section 3.** Effective Date. This ordinance shall take effect immediately upon adoption by the Town Council.

The foregoing Ordinance was adopted by the Town Council upon a motion by Council Member Kosinski and seconded by Council Member List and upon being put to a roll call vote, the result was as follows:

Bob Raymond, Mayor	aye	Alan Mandel, Vice Mayor	aye
Joe Kosinski	aye	Jo List	aye
Dan Andre	aye		

DULY PASSED AND ADOPTED THIS 7th DAY OF JANUARY 2013, BY THE

TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH.

By:   
Bob Raymond, Mayor

ATTEST:

By:   
Michelle D. Mayher, Town Clerk

Approved as to form and legal sufficiency:

By:   
FOWLER WHITE BOGGS, Town Attorney