



Town of Lake Park Town Commission

Agenda Request Form

Meeting Date: May 21, 2025

Originating Department: Town Clerk

Agenda Title: Request to Amend Town's Election Process - Commissioner Michael O'Rourke

Agenda Category (i.e., Consent, New Business, etc.):

Approved by Town Manager: _____ **Date:** _____

Cost of Item: \$0.00 **Funding Source:** _____

Account Number: _____ **Finance Signature:** _____

Advertised:

Date: N/A **Newspaper:** _____

Attachments: _____

Please initial one:

_____ Yes I have notified everyone

_____ Not applicable in this case

Summary Explanation/Background:

During the April 2, 2025 Regular Commission Meeting, Commissioner O'Rourke requested that the Commission be presented with information regarding the Town's Mayor and Commissioners voting process that has been utilized by the Town since 2010.

This change in the Town's voting process was a result of a Voting Rights Act lawsuit settlement between the United States Department of Justice (DOJ) and the Town. The resulting settlement discontinued the use of Town's current at-large method of electing the Town Mayor and Commissioners and required the use a "limited voting system" that began with the March 2010 Town elections.

The lawsuit, filed on March 31, 2009, in federal court in Miami, challenged the at-large method of electing the Lake Park Town Commission on the grounds that it dilutes the voting strength of African-American citizens in violation of Section 2 of the Voting Rights Act. At the time, African-Americans comprised over 38 percent of the Town's total citizen voting-age population and black voters were unsuccessful in electing their candidate of choice and no black candidate for the Commission had ever won an election since Lake Park was incorporated in 1923. (see attached)

Town Attorney Baird presented a memorandum to the Town Commission during the May 7, 2025 Regular Commission Meeting, which outlined the background to the DOJ settlement and voting process change, information related to a follow-up study by the DOJ in 2013, an understanding of the voting results provided under this new voting process and options (including conducting a study to determine if this process is still needed) and requirements to amend the voting process within the Town's Charter (which would include a special election).

Note: During the Commission's Regular Meeting on May 7, 2025, the Attorney presented the information within his memo (dated April 15, 2025) that generated significant discussion among the four (4) elected officials in attendance; however, direction on how to proceed regarding the options outlined within the Attorney's memo was not provided. Thus, staff is requesting the Town Commission to provide direction on how the Town Commission would like to proceed regarding the Town's voting process.

The process for changing the Town Charter is as follows:

- **Section 6. - Referendum.**

The Town of Lake Park created by this Charter shall not be deemed incorporated under this act unless and until the question of the acceptance of this Charter shall have been submitted to a vote of the registered voters of the Town of Lake Park as presently constituted. If a majority of the registered voters voting at said election shall vote to accept this Charter, the Town of Lake Park shall be deemed incorporated under the terms of this Charter from the date of canvassing and declaring the result of said election. If a majority of the registered voters at said election shall vote not to accept this Charter, the Town of Lake Park shall not be incorporated under this act but shall remain incorporated under Chapter 9794, Special Laws of Florida, Acts of 1923, and amendments thereto.

The election for the referendum vote on this Charter shall be held within sixty (60) days after this act has been passed by the Legislature of the State of Florida, provided however, that if within ninety (90) days after passage of this act by the Legislature of the State of Florida, a general election of the Town of Lake Park shall be held, then this question shall be submitted to the voters of the Town at said general election.

Recommended Motion:

N/A – Direction is requested by the Town Commission on the potentially amending the Town's voting process.