

**From:** [Sherry Sutphen](#)  
**To:** [Robert Vason](#); [alan@lakevotes.gov](mailto:alan@lakevotes.gov)  
**Cc:** [Burnham, Jessica](#); [Revell, Charles](#); [Wisniewski, Nicole](#); [Krysta Reed](#)  
**Subject:** Fwd: Petitions for Mount Dora Charter Amendment  
**Date:** Friday, August 27, 2021 12:16:05 PM  
**Attachments:** [image001.png](#)  
[image003.png](#)  
**Importance:** High

---

**\*\* This message originated outside of the City of Mount Dora network. Please think before you click. \*\***

---

Mr. Hays and Mr. Vason,

I am sorry but I am entirely confused by the exchange below. First and foremost, the City of Mount Dora Charter dictates that the City prescribes the form of the Petition to be submitted to the City related to the initiative or referendum process. [See Charter, Section 28]. The City, through its City Clerk, provided the form Petition to Ms. Stile on July 16, 2021, in electronic format. The form was altered and certain information required by the City was removed from the Petition form. Although justification for what the City requires in its Petition form is NOT REQUIRED, in the absence of specific guidance in the City's Charter, as to the form of the City's Petition, the City based its form on the statutory requirements for constitutional amendments. This was also done in an effort to mirror the typical verification process so as to facilitate the needs of the Supervisor of Elections. In other words, there was no reason to reinvent the wheel. At the end of the day, the fact remains, the Petition form was improperly altered.

Although there was a question at one time as to whether the City would accept the Petitions, despite the fact that they were not on the correct form, the question became moot when the Petitions were withdrawn on August 26, 2021, by Mr. Vason. Thus, I am perplexed that this is still an issue. If I can provide any additional information, please let me know.

Thanks  
Sherry

**Please note our new Firm name and my new email address below.**



[www.roperpa.com](http://www.roperpa.com)

**Sherry G. Sutphen**  
Partner  
**Board Certified Specialist-**  
**City, County & Local Government**

**Roper, P.A.**  
2707 East Jefferson Street  
Orlando, FL 32803  
Tel: 407-897-5150  
Fax: 407-897-3332  
[ssutphen@roperpa.com](mailto:ssutphen@roperpa.com)

This communication and any attachments constitute an "electronic communication" within the meaning of the Electronic Communications Privacy Act, 18 U.S.C. § 2510, and disclosure is limited to the intended recipient(s). Unless expressly stated otherwise, this message and any accompanying documents are confidential and may be subject to the attorney-client privilege or deemed work product documents. The sender's expectation of privacy as to the content of this email and any accompanying documents is extremely high. This message is intended solely for the addressee(s). If you are not the intended recipient, you have received this email in error and any review, dissemination, or copying is strictly prohibited. If you are not an addressee, any disclosure or copying of the contents of this email, or any action taken or not taken in reliance on it, is strictly unauthorized and may be unlawful. If you are not an addressee, destroy the message and inform the sender immediately at the telephone number, address, or email address above. The receipt of our fax number

above is not to be construed as the firm's consent to receive unsolicited fax advertisements, and this email does not create an existing business relationship.

Begin forwarded message:

**From:** "Burnham, Jessica" <[burnhamj@ci.mount-dora.fl.us](mailto:burnhamj@ci.mount-dora.fl.us)>  
**Subject:** FW: Petitions for Mount Dora Charter Amendment  
**Date:** August 27, 2021 at 8:42:14 AM EDT  
**To:** Sherry Sutphen <[SSutphen@bellroperlaw.com](mailto:ssutphen@bellroperlaw.com)>  
**Cc:** Krysta Reed <[kreed@bellroperlaw.com](mailto:kreed@bellroperlaw.com)>, "Revell, Charles" <[revellc@ci.mount-dora.fl.us](mailto:revellc@ci.mount-dora.fl.us)>, "Wisniewski, Nicole" <[wisniewskin@ci.mount-dora.fl.us](mailto:wisniewskin@ci.mount-dora.fl.us)>

Good morning Sherry,

Please see the email thread below.

Thank you,

Jessica Burnham  
City Clerk



510 N. Baker Street  
Mount Dora, FL 32757  
(352) 735-7126 direct  
(352) 385-2412 fax  
[www.cityofmountdora.com](http://www.cityofmountdora.com)

---

**From:** Alan Hays <[alan@lakevotes.gov](mailto:alan@lakevotes.gov)>  
**Sent:** Thursday, August 26, 2021 5:19 PM  
**To:** Robert Vason <[rvason@vasonlaw.com](mailto:rvason@vasonlaw.com)>  
**Cc:** Burnham, Jessica <[burnhamj@ci.mount-dora.fl.us](mailto:burnhamj@ci.mount-dora.fl.us)>  
**Subject:** RE: Petitions for Mount Dora Charter Amendment

**\*\* This message originated outside of the City of Mount Dora network. Please think before you click. \*\***

---

Hello Mr. Vason,  
Thanks for the note. I have not heard from the city attorney whether the submitted petitions are to be considered valid or not since the submitted petitions are not the same as those given by the city to the petitioners.

Once their attorney indicates whether or not the submitted petitions are valid, I will be happy to begin the signature verification process upon receipt of the required fee for such verification.

Respectfully,

Alan



[www.lakevotes.gov](http://www.lakevotes.gov)

## D. Alan Hays, D.M.D., MFCEP

**Supervisor of Elections**

**Lake County Supervisor of  
Elections**

**Office:** 352-253-1420 | **Fax:** 352-343-3605

1898 E. Burleigh Blvd. | Tavares, FL  
32778

**\*\*\*\*PLEASE NOTE:** My email address has recently changed. The old address was [alan@lakevotes.com](mailto:alan@lakevotes.com) and the NEW ADDRESS is [alan@lakevctes.gov](mailto:alan@lakevctes.gov)

**NOTICE:** Florida has a very broad public records law. Most written communication to or from government officials regarding government/public business is public record available to the public and media upon request. Your email communications may be subject to public disclosure.

---

**From:** Robert Vason <[rvason@vasonlaw.com](mailto:rvason@vasonlaw.com)>

**Sent:** Thursday, August 26, 2021 11:46 AM

**To:** Alan Hays <[alan@lakevotes.gov](mailto:alan@lakevotes.gov)>

**Cc:** Bob Bridgeman <[bob@lakevotes.gov](mailto:bob@lakevotes.gov)>

**Subject:** RE: Petitions for Mount Dora Charter Amendment

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Good morning Senator, Dr., Alan,

Ms. Stiles has asked that I review your email below concerning the required contents of petitions filed by electors seeking to amend the municipal charter of the city of Mount Dora. As you know more than 2,100 such petitions were delivered to the City of Mount Dora on August 17, 2021, which in turn have now been delivered to your office for verification of the electors' signatures. The petitions as

filed do not contain either the elector's voter registration number or the elector's date of birth.

I do not believe that either the statute or the rule referenced in your email below apply to petitions seeking to amend provisions in a municipal charter. All of the sections in Florida Statute 100.371 deal with State of Florida constitutional amendments or other statewide proposals by initiatives. Likewise so do the provisions in Florida Administrative Code Rule 1S-2.0091.

As I have been unable to find any statutory or rule authority requiring that initiative petitions seeking to amend municipal charters contain either a voter registration number or a date of birth, I would sincerely appreciate your office providing that information to me, assuming I have overlooked something. I certainly could not find any such authority in either Florida Statutes Chapters 97-107 or the Florida Administrative Code.

Thanks for your help.

Robert Vason

Robert F. Vason, Jr., Esquire  
Robert F. Vason, Jr., P.A.  
Attorney At Law  
501 East Fifth Avenue  
Mount Dora, Florida 32757  
Telephone: (352) 383-4151 ext. 306  
Facsimile: (352) 383-2311  
Email: [rvason@vasonlaw.com](mailto:rvason@vasonlaw.com)

The information contained in this transmission along with any attachment(s) may contain privileged and confidential information. It is intended for the sole use of the addressee. If you have received this communication in error, please contact the sender by reply email and destroy all copies of the original message. Any disclosure, copying, distribution, or the taking of any action in reliance upon the communication is strictly prohibited, and any such inadvertent disclosure shall not compromise or waive the attorney-client privilege as to this communication.

---

**From:** Alan Hays [<mailto:alan@lakevotes.gov>]

**Sent:** Friday, August 20, 2021 11:05 AM

**To:** Barrel of Books and Games <[crissy@barrelofbooksandgames.com](mailto:crissy@barrelofbooksandgames.com)>

**Cc:** Robert Vason <[rvason@vasonlaw.com](mailto:rvason@vasonlaw.com)>; Bob Bridgeman <[bob@lakevotes.gov](mailto:bob@lakevotes.gov)>;  
Jessica, Burnham <[burnhamj@ci.mount-dora.fl.us](mailto:burnhamj@ci.mount-dora.fl.us)>

**Subject:** Re: Petitions for Mount Dora Charter Amendment

Hello Ms. Stiles,

Briefly, the charge of \$0.49 per signature has been posted on our website per Florida Statute 100.371(11)(b) and rule 1S-2.0091. This fee must be paid in advance of our employees endeavoring to verify the signatures. This charge is assessed for each signature and the presence or absence of voter ID &/or date of birth has no bearing on the fee.

The process for those wishing to have the signatures verified, is to pay in advance for the complete list of signatures submitted for verification and upon reaching the required number of verified signatures, we determine if a balance is due to the submitting party. If such a balance is due, we write a check refunding that balance amount.

On another note, we are currently waiting to hear from the Mt. Dora City attorney about the validity of those petitions submitted. The form dictated by statute for State petitions requires either, the voter ID number or the date of birth. Those submitted have neither, but they are notarized. I'm not a lawyer but it appears to me for a notarized document to be altered after notarization would be a violation of law, so at this time, I am not going to allow such an alteration to occur.

I have taken the liberty to attach a copy of FS 100.371(11)(a)(b) to the bottom of this note. I've highlighted in yellow, the specific portion relating to the information required on each petition.

I am sorry for the complication, but we are committed to following the letter of the law thus I shall wait to hear from the city attorney.

All the best,  
Alan

D. Alan Hays, DMD  
Supervisor of Elections, Lake County, FL

FS 100.371(11)(a)(b)

<sup>1</sup>(11)(a) An initiative petition form circulated for signature may not be bundled with or attached to any other petition. Each signature shall be dated when made and shall be valid until the next February 1 occurring in an even-numbered year for the purpose of the amendment appearing on the ballot for the general election occurring in that same year, provided all other requirements of law are met. The sponsor shall submit signed and dated forms to the supervisor of elections for the county of residence listed by the person signing the form for verification of the number of valid signatures obtained. If a signature on a petition is from a registered voter in another county, the supervisor shall notify the petition sponsor of the misfiled petition. The supervisor shall promptly verify the signatures within 60 days after receipt of the petition forms and payment of a fee for the actual cost of signature verification incurred by the supervisor. However, for petition forms submitted less than 60 days before February 1 of an even-numbered year, the supervisor shall promptly verify the signatures within 30 days after receipt of the form and payment of the fee for signature verification. The supervisor shall promptly record, in the manner prescribed by the Secretary of State, the date each form is received by the supervisor, and the date the signature on the form is verified as valid. The supervisor may verify that the signature on a form is valid only if:

1. The form contains the original signature of the purported elector.
2. The purported elector has accurately recorded on the form the date on which he or she signed the form.
3. The form sets forth the purported elector's name, address, city, county, and voter registration number or date of birth.
4. The purported elector is, at the time he or she signs the form and at the time the form is verified, a duly qualified and registered elector in the state.
5. The signature was obtained legally, including that if a paid petition circulator was used, the circulator was validly registered under subsection (3) when the signature was obtained.

The supervisor shall retain the signature forms for at least 1 year following the election in which the issue appeared on the ballot or until the division notifies the supervisors of elections that the committee that circulated the petition is no longer seeking to obtain ballot position.

(b) Each supervisor shall post the actual cost of signature verification on his or her website and may increase such cost, as necessary, on February 2 of each even-numbered year. The division shall also publish each county's current cost on its website. The division and each supervisor shall biennially review available technology aimed at reducing verification costs.

---

**From:** Barrel of Books and Games <[crissy@barrelofbooksandgames.com](mailto:crissy@barrelofbooksandgames.com)>

**Sent:** Thursday, August 19, 2021 2:39 PM

**To:** Alan Hays <[alan@lakevotes.gov](mailto:alan@lakevotes.gov)>  
**Cc:** Rvason <[rvason@vasonlaw.com](mailto:rvason@vasonlaw.com)>  
**Subject:** Petitions for Mount Dora Charter Amendment

**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Good afternoon Senator Hays,

After receiving a letter from Mount Dora's City Attorney this morning, we'd like some further information.

Firstly, would it be of any assistance if we provide voter ID # for each signer of our petitions? I am equipped with that information and we'd be happy to have a group of volunteers provide that information on each petition.

Secondly, if we provide the necessary voter ID # does that eliminate \$.49 per petition fee? As a follow up, if that is the case may we come get them or would we need to be prepared to add that information in your office?

Lastly, where can we find the authority for the Supervisor of Elections office to charge the \$.49 per petition fee?

Thank you for your time. Looking forward to your response.

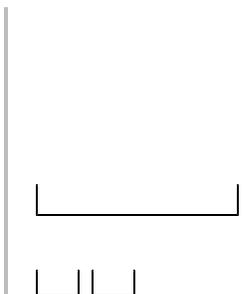
**Crissy Stile**  
Owner, Barrel of Books and Games

352-735-  
1950

crissy@barrelofbooksandgames.com

barrelofbooksandgames.com

128 W 4th Ave, Mount Dora, FL  
32757



---

CONFIDENTIALITY NOTICE: This e-mail message, including any attachments, is for the sole use of the intended recipient(s) and may contain confidential and privileged information. Any unauthorized review, use, disclosure, or distribution, is prohibited. If you are not the intended recipient, contact the sender by replying to the e-mail and destroy all copies of the original message.

PUBLIC RECORDS NOTICE: Under Florida law, e-mail addresses are public records. If you do not want your e-mail address released in response to a public records request, do not send electronic mail to this entity. Instead, contact this office by phone or in writing. Per FLORIDA STATUTE SECTION 119.12: Public record requests to inspect or copy public records may be made to the city's custodian of public records, City Clerk Jessica Burnham, at: 510 N. Baker Street, Mount Dora, Florida 32757, or via email to: [burnhamj@ci.mount-dora.fl.us](mailto:burnhamj@ci.mount-dora.fl.us) or via telephone at: (352)735-7126. Per Florida Statute 119.12, if you wish to assert that you were denied access to inspect or copy a public record, you must provide a written notice to the city's custodian of records, identifying it as a public records request, at least five business days before filing a civil action. The notice period begins on the day the written notice of the request is received by the custodian of public records, excluding Saturday, Sunday, and legal holidays, and runs until 5 business days have elapsed. The contact information for the agency's custodian of public records is posted in the agency's primary administrative building in which public records are routinely created, sent, received, maintained, and requested and on the agency's website.