

ORDINANCE 17-07

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF ALACHUA, FLORIDA, AMENDING CHAPTER 14 OF THE CODE OF ORDINANCES, ELECTIONS; PROVIDING FOR THE REPEAL OF ALL ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CITY CODE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, it is the desire of the City Commission to amend and edit certain portions of Chapter 14, Elections, of the City Code of Ordinances to better reflect the practical uses and processes that are generally employed by the City; and

WHEREAS, it is further desired to adjust or correct inconsistencies and scrivener's errors in the body of the Chapter;

NOW THEREFORE BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF ALACHUA, FLORIDA.

Section 1. Amendment of Code of Ordinances

Chapter 14, Elections, of the Code of Ordinances is hereby amended as follows:

Chapter 14 - ELECTIONS

Sec. 14-1. - Applicability of general laws of State to City elections.

The general law of the State on the subject of elections shall apply to and govern all City elections insofar as there is no conflict with the provision of this chapter or the provisions of the Charter of the City.

Sec. 14-2. - Time of holding regular elections for City Commissioners.

Regular elections shall be held on the second Tuesday in April of each year for the election of Mayor and City Commissioners whose terms of office expire. In the event no candidate receives a majority (more than 50 percent) of the votes cast in a group or groups, a runoff election shall be held on the third Tuesday following the former election day between the two candidates in such groups receiving the highest number of votes cast. The candidates in each group receiving the highest number of votes cast in such runoff election shall be elected. In case of a tie, the candidate shall be selected for the runoff election in the same manner as provided in the general law.

Sec. 14-3. - Special elections required; proclamation.

(a) Special elections shall be held in the following cases:

- (1) When there has been no choice of any officer who should have been elected at a general election.
- (2) When in the discretion of the City Commission any question affecting the interest of the City shall arise which might make it necessary to submit such question to a vote of the qualified electors of the City.

(b) Such special elections shall be ordered by the City Commission by a resolution ~~which shall include: instructing the Mayor to issue his proclamation calling such election in the same manner and form as provided for in the case of regular elections.~~

(1) the purpose of the special election;

- ____ (2) officers to be elected, if any;
- ____ (3) question(s) to be called to a vote of the electors, if any;
- ____ (4) any other information deemed appropriate by the City Commission; and,
- ____ (5) direction to the Mayor to issue a proclamation calling such election.

Sec. 14-4. - Vacancies.

Any vacancy in the Commission will be filled according to section 3.07 of the City Charter.

Sec. 14-5. - Mayor to issue proclamation; contents; publication.

At least ~~Thirty~~ thirty days prior to any and all elections the Mayor shall issue ~~his~~ a proclamation calling the election. Such proclamation shall specify what officers are to be elected, the length of time such officers are to serve, question(s) to be called to a vote of the electors, if any, and the time and place of holding such election, and the names of inspectors and clerks to serve at the election. ~~After the conclusion of the qualifying period, S~~such proclamation shall be published once each week for four weeks in a newspaper of general circulation published in the County.

Sec. 14-6. - Qualification of electors.

Every person who is a qualified elector under the laws of the State and who is a permanent resident of the City is eligible to register with the supervisor of elections when the registration books are open. Upon registration, such person shall be a qualified elector of the City.

Sec. 14-7. - Registration officer designated.

The Supervisor of Elections of Alachua County, Florida, hereinafter referred to as "supervisor," is hereby designated as registration officer for the City and shall keep or cause to be kept the City's registration books.

Sec. 14-8. - Qualification of candidates for City Commission.

Any person who is a resident of the City and is a qualified elector therein may become a candidate for the office of Mayor or City Commissioner of the City by taking a written oath before the City Clerk or his designee, that the person possesses the qualifications to become a candidate for such office and designating the group in which the person shall run. As a condition precedent to qualifying the candidate shall pay to the City Clerk the sum of \$25.00 as a qualifying fee or such person shall furnish the Clerk with a petition requesting that such person become a candidate for the Mayor or City Commission. Said petition shall be signed by at least 25 electors of the City, and shall be accompanied by a statement in writing signed by the Alachua County Supervisor of Elections certifying that each of the signatures on such petition has been checked by the Supervisor and that each of the signatures on the petition is that of a qualified elector of the City. The period in which a person may submit the oath and qualifying fee or petition to the City Clerk shall be from noon on the ~~53rd day~~ third Tuesday in February prior to the election until noon on the ~~46th day~~ fourth Tuesday in February prior to the election.

Sec. 14-9. - Vacancy in candidacy.

- (a) If the withdrawal, death or removal of a qualified candidate following the end of the qualifying period results in only one candidate remaining on the ballot for that office, the remaining candidate shall be declared elected and no election for that office shall be required.
- (b) If the death, withdrawal or removal from the ballot of a qualified candidate following the end of the qualifying period results in no candidates for an office, and more than 21 days remain prior to the date of the election, qualifying shall be reopened to allow candidates to qualify for the election to that office in accordance with the

City Charter and Code. Any candidate wishing to qualify shall file the qualifying statement and petition required by the City Charter, accompanied by such qualifying fees as set by the City Code, no later than noon of the 21st day prior to the date of the election.

- (c) If less than 21 days remain to the election date after the death, withdrawal, or removal from the ballot of the lone qualified candidate for an office, and if a vacancy shall result on the City Commission, the remaining city commissioners shall appoint, on an interim basis, by majority vote a person otherwise qualified to be a city commissioner. The person so appointed shall serve as city commissioner until a special election can be held in order to fill the vacancy for the unexpired portion of the entire term. The special election shall be held not less than 60 days nor more than 90 days following the occurrence of the vacancy.
- (d) If the qualifying period is reopened pursuant to subsection (b) of this section, supplemental absentee ballots reflecting the new candidates who have qualified for that office ~~only~~ shall be mailed by the City Clerk as soon as possible to any absentee voter who was provided an absentee ballot. If an absentee voter returns the initial ballot ~~he that~~ was mailed, ~~his that~~ vote for the office for which qualification was reopened will be null and void, but ~~his the~~ votes on all other offices and issues shall be counted.
- (e) The name of any qualified candidate who has withdrawn, died or been removed from the ballot shall not be printed on the ballot. If the ballot cannot be changed, any votes for that candidate shall be null and void.
- (f) A candidate withdrawing or being removed from the ballot after having qualified and paid the qualification fee shall not receive a refund of the qualifying fee.

Sec. 14-10. - Grouping of candidates; runoff elections.

The Commission shall declare each seat to be filled as one of five separate ~~groups seats~~ numbered 1, 2, 3, 4, 5. ~~Group~~ (Seat) 1 is designated as the seat to be held by the Mayor. The candidates shall, at the time of qualifying, designate the ~~group in seat for~~ for which they shall run. The candidate receiving a majority (more than 50 percent) of the votes cast ~~in for~~ for each ~~group seat~~ shall be elected. In the event no candidate receives a majority of votes cast ~~in for~~ for a ~~group seat~~ or ~~groups seats~~, a runoff election shall be held on the third Tuesday following the former Election Day between the two candidates ~~in for~~ for such ~~group seat~~ or ~~groups seats~~ receiving the highest number of votes cast. The candidate receiving the highest number of votes cast in such runoff election shall be elected.

Sec. 14-11. - Appointment of Inspectors and Clerks; opening and closing polls; substitute inspectors and clerks.

The ~~Mayor~~ City Clerk or designee shall appoint the necessary clerks and inspectors ~~for the necessary to~~ to conduct of the election. If, at the time the polls are to be open, any such inspector or clerk is not present or should refuse to serve, those present may choose from the qualified voters present sufficient persons to complete the number of inspectors or clerks. If none of the inspectors or clerks are present, then the qualified voters present may choose among their number such inspectors and clerks. No elector who cannot read and write the English language shall be appointed or chosen clerk or inspector of any election. Poll workers who have been trained for a City election shall be deemed to have been trained for all runoff elections that may arise from that election.

Sec. 14-12. - Oath of Inspectors and Clerks.

The inspectors and clerks shall take and subscribe an oath or affirmation, which shall be written or printed, to the effect that they will perform the duties of inspectors and clerks of the election according to law and will endeavor to prevent all fraud, deceit or abuse in conducting the same. Such oaths may be taken before an officer authorized to administer oaths, or before either of the persons who are to act as inspectors and clerks; one of them to swear to others and one of the others thus sworn in turn to administer the oath to him/her who has not been sworn. Such oaths shall be returned with the returns of the election to the Mayor.

Sec. 14-13. - Ballots; contents.

The names of all qualified candidates for election to the City Commission shall be placed upon the ballot in alphabetical order according to surnames; provided, no person's name shall be printed on the ballot if that person notifies the City Commission not less than 20 days prior to the election that he/she will not accept the nomination.

In the event that electronic ballot counting machines are not available, or preprinted ballots cannot be delivered in time for the election, or any other such eventuality, the City may conduct its general and runoff elections with paper ballots which shall be tallied by manual count.

Sec. 14-14. - Election officials to maintain order.

The inspectors and clerks shall possess full authority to maintain good order at the polls and to enforce obedience to their lawful commands during an election, the canvass and estimate of the votes.

Sec. 14-15. - Clerks to be Chairpersons of Election Boards; decision of majority to decide questions.

The Clerks at the respective polling places of the election shall be Chairpersons of their boards. In any and all questions that may arise before the Inspectors and Clerks at any polling places of the election, the decision of the majority of them shall decide such questions.

Sec. 14-16. - Board of Canvassers; composition; powers and duties.

The board of canvassers for all elections held for the election of Mayor and City Commissioners and for questions submitted to a vote of the people are as follows: The Mayor, or in his absence, a Commissioner designated by the Mayor who shall serve as chairman of the board of canvassers, the City Clerk and one other elector to be appointed by the Mayor. The chairman of the canvassing board shall have authority to designate an additional elector or electors, to serve as a member of the board of canvassers in the absence of any member of the said board. The board shall meet within 24 hours after the close of the polls to canvass the election returns of the inspectors and clerks of the election and to canvass the absentee electors' ballots, and to declare the election result and certify the election. If, however, there are unresolved provisional ballots, the canvassing board will not certify the election when it canvasses the election returns of the inspectors and clerks of the election and canvasses the absentee ballots. If there are unresolved provisional ballots, the canvassing board will meet again after 5:00 p.m. on the second day after the election at which time the canvassing board shall count the provisional ballots, declare the election results and certify the election. No other board of the City of Alachua shall certify the results of the election. ~~The certification of the election shall be forwarded to the City Commission.~~ In the event it may be necessary, in order to come to a proper decision, the board shall have the power to examine witnesses and take testimony. The certification of the election shall be forwarded to the City Commission.

Sec. 14-17. - Absentee voting.

Absentee voting shall be conducted as provided for in F.S. ch. 101.

Sec. 14-18. - Early voting.

The City Commission hereby declines to participate in the early voting procedure for its municipal elections.

Section 2. Inclusion of the Code

It is the intention of the City Commission of the City of Alachua, Florida, and it is hereby provided that the provisions of this ordinance shall become and be made a part of the Code of Ordinances of the City of Alachua, Florida; that the sections of this ordinance may be renumbered or re-lettered and that the word "ordinance" may be changed to "section", "article" or other appropriate designation to accomplish such intention.

Section 3. Repealing Clause

All ordinances or parts of ordinances in conflict with this ordinance are, to the extent they conflict with this ordinance, repealed.

Section 4. Providing for Severability

It is the declared intent of the Alachua City Commission that, if any section, sentence, clause, phrase, or provision of this ordinance is for any reason held or declared to be unconstitutional, void, or inoperative by a court or agency of competent jurisdiction, such holding of invalidity or unconstitutionality shall not affect the remaining provisions of this ordinance and the remainder of this ordinance, after the exclusion of such part or parts, shall be deemed to be valid.

Section 5. Effective Date

This Ordinance shall be effective upon its passage and adoption on the second and final reading.

PASSED on first reading on the 12th day of December, 2016

**CITY COMMISSION OF THE
CITY OF ALACHUA, FLORIDA**

Gib Coerper, Mayor
SEAL

ATTEST:

APPROVED AS TO FORM

Traci L. Gresham, City Manager/Clerk

Marian B. Rush, City Attorney