

ARTICLE VII. NOMINATIONS AND ELECTIONS

City Council and Charter Review – no change:

Sec. 7.01. Reserved.

Editor's note(s)—Ord. No. 99-3, § 2, adopted January 26, 1999, amended the Charter by repealing former § 7.01. Former § 7.01 pertained to electors, and carried no history note.

Initial Comments from City Council. Charter Review Committee recommends no changes.

Sec. 7.02. Nonpartisan election.

All nominations and elections for the office of mayor or city councilmember shall be conducted on a nonpartisan basis without regard for, or designation of, political party affiliation of any nominee or candidate on any ballot.

Reference to non-partisan elections reminds me of the intended absence of party affiliation. Similar language in regards to proclamations and public statements? Also, guidelines for where such official announcements from the City are meant to be in effect. Should not be sending out to Federal agency or officials as a City. (Moore)

Initial Version/Comments from City Clerk – no changes:

Sec. 7.03. Qualifications.

Candidates for the office of mayor or city councilmember shall qualify for the particular seat he or she seeks with the designated city official at such time and in such manner as may be prescribed by ordinance or general law.

Florida Statute requirement for a provision in the charter or via ordinance to address a vacancy in candidacy. (Stelzer) (Memorandum provided in Reference documents.) see 7.05(c)

F.S. 166.031(6) provides as follows:

*“Each municipality shall, by ordinance or charter provision, provide procedures for filling a vacancy in office caused by death, resignation, or removal from office. **Such ordinance or charter provision shall also provide procedures for filling a vacancy in candidacy caused by death, withdrawal, or removal from the ballot of a qualified candidate following the end of the qualifying period which leaves fewer than two candidates for an office.**”*

The city does not have a provision for a vacancy in candidacy. I would suggest the committee determine whether this provision should be included in the charter and, if so, decide on how such a vacancy will be filled.

If the committee decides it is to be included in the charter, it is important to note that the Supervisor of Elections office orders the ballots the day the city's qualifying ends so there is no room for a supplemental qualifying period.

City Council and Charter Review – same changes:

Sec. 7.04. Form of ballots.

~~The city council by ordinance shall prescribe the form of the ballot including the method for listing candidates for mayor or city council elections and any other city election.~~ A Charter amendment, ordinance or resolution derived from initiative or referendum, as provided for in Articles VIII and IX, respectively, to be voted on by the electors shall be presented for voting by ballot title. The ballot title of a measure may differ from its legal title and shall be a clear statement describing the substance of the measure without argument or prejudice. Below the ballot title shall appear the following question: "Shall the above described (ordinance) (amendment) (resolution) be adopted?" Immediately below such question shall appear, in the following order, the word "yes" and also the word "no" with a sufficient space provided to indicate the voter's choice.

Initial Version:

Sec. 7.05. Elections.

- (a) *Regulation of elections.* Except as otherwise provided by the Charter, the provisions of the election laws of the State of Florida shall apply to elections held pursuant hereto. All elections provided for by the Charter shall be conducted by the election authorities established by law. The city council shall adopt by ordinance all regulations which it considers desirable, consistent with law and this Charter regarding the conduct of city elections, for the prevention of fraud in such elections and for the recount of ballots in cases of challenge.
- (b) *Multiple candidates.* At the regular municipal election, the person receiving the highest number of votes cast for the office of mayor or a particular council seat shall be elected to office. In case two or more persons receive an equal and highest number of votes for the same office, such persons shall draw lots to determine who shall be elected to the office.

State law reference(s)—Florida Election Code, F.S. chs. 97—106.

Charter Review Committee Recommendation:

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- (b) *Multiple candidates.* At the regular municipal election, the person receiving the highest number of votes cast for the office of mayor or a particular council seat shall be elected to office. In case two or more persons receive an equal and highest number of votes for the same office, such persons shall draw lots to determine who shall be elected to the office.
- (c) One candidate. If only one candidate qualifies for mayor or a council seat within the time limit for qualifications, or if a vacancy in candidacy caused by death, withdrawal or removal from the ballot of qualified candidates, following the end of the qualifying period, leaves fewer than two candidates for the office, that candidate shall be declared elected to the office of mayor or that seat.
- (d) No candidate. If no candidate qualifies for mayor or a council seat, or if all candidates for mayor or a council seat either withdraw, are removed from the ballot or die, after the close of the qualifying period, but before the election, the term of the mayor or city councilmember holding that seat shall be extended until the next regular election, notwithstanding any applicable term limits.

City Council and Charter Review – no changes:

Sec. 7.06. Special elections.

Special municipal elections may be called by the city council at any time for such purposes as are authorized by this Charter or by law. Notice of all special elections shall be published in a newspaper of general circulation in the city once a week for the four weeks immediately preceding the election.

City Council and Charter Review – no changes:

Sec. 7.07. General municipal elections.

The general municipal election of the city shall be held on the Tuesday next succeeding the first Monday in November in each year.