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ARTICLE I. - IN GENERAL

Sec. 26-1. - Definitions.

Secs. 26-2—26-25. - Reserved.

Sec. 26-1. - Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Absent elector or absentee voter means any qualified and registered elector of the city who:

- (1) Is unable without another's assistance to attend the polls and cast his ballot at the appropriate polling place;
- (2) Is an inspector, poll worker, election official, deputy sheriff, supervisor of elections, city clerk, or any deputy or assistant thereto required to administer the conduct of the election and is unable to cast a vote in the precinct in which registered;
- (3) Cannot attend the polls on the day of any city election due to the tenets of religion; or
- (4) Will not be in the city during the hours the polls are open for voting on the day of a city election.

Ballot or official ballot means:

- (1) When voting machines are used, that portion of the printed strips of paper or other material within the ballot frames containing the names of candidates or ballot question of an issue to be voted upon at a city election;
- (2) When paper ballots are used, a printed sheet of paper containing the names of candidates or ballot question of an issue to be voted upon at a city election;
- (3) When electronic devices are used, a ballot voted by the process of punching or marking with a marking device for tabulation by automatic tabulating equipment or data processing equipment; or
- (4) When absentee ballots are used, a printed sheet of paper or other material containing the names of candidates or ballot question of an issue to be voted upon at a city election.

Candidate means any individual to whom one or more of the following applies:

- (1) Any individual seeking to qualify for election by means of an alternative, or petition, method;
- (2) Any individual receiving contributions or making expenditures, or giving consent for another person to do so, with the intent of bringing about that individual's election to city office;
- (3) Any individual who appoints a treasurer and designates a primary depository pursuant to F.S. § 106.021; or

- (4) Any individual who files qualification papers and subscribes to a candidate's oath as required by section 26-114

City attorney means the city attorney or the assistants thereof.

City clerk or *clerk* means the duly appointed city clerk of the city.

District means that geographic area or quadrant of the city described and established in this Code, in which a candidate for the city commission seat designated therefore must reside.

Election means any city election, be it to choose elected officials or consider issues, including primary elections, regular elections and special elections.

Elector or *voter* means a qualified resident of the city on the day of the election properly registered in accordance with F.S. §§ 97.041—97.111.

Issue means a proposed amendment to the Charter, a proposed ordinance proposed by initiative pursuant to section 7.02 of the Charter, a proposed repeal of an ordinance by referendum pursuant to section 7.02 of the Charter, recall of an elected official, an authorization to issue bonds or other forms of indebtedness, a proposed annexation of territory into the city, straw ballot, or any other public question to be voted upon by the electors of the city pursuant to state law, the Charter, local ordinance, or call of the city commission.

Issue election means an election called for the purpose of approving or disapproving an issue, including, but not limited to, Charter amendment, initiative, referendum, bond authorization, annexation, recall, straw ballot, or other public question voted upon by the electors.

Newspaper of general circulation means a newspaper printed in the language most commonly spoken in the city and which is readily available for purchase by all inhabitants in the city, but does not include a newspaper intended primarily for members of a particular professional or occupational group, a newspaper the primary function of which is to carry legal notices, or a newspaper that is given away primarily to distribute advertising.

Nonpartisan or *nonpartisan office* means an office for which a candidate is prohibited from campaigning or qualifying as a candidate for election based on, or with reference to, political party affiliation.

Office or *city office* means a position of the city filled by the electors at an election.

Polling place means a particular room or area where electors cast their votes.

Precinct means that geographic area designated by the board of county commissioners upon recommendation of the supervisor of elections pursuant to F.S. § 98.031.

Qualifying means the procedure pursuant to section 26-114, whereby an individual causes his name to be placed on the next city election as a candidate for city office.

Regular election means an election to fill the office of city commissioner between the two candidates receiving the largest number of votes in the primary election.

Special election means an election called for the purpose of filling a vacancy in elected city office or to approve or disapprove an issue.

Supervisor means the county supervisor of elections.

Voting machine means that electromechanical or electronic equipment or device approved or certified by the secretary of state pursuant to F.S. §§ 101.28, 101.294 or 101.5605, used to cast ballots in an election, and owned or provided by the supervisor of elections.

(Code 1979, § 2502; Ord. No. 2010/027, § 1, 10-5-10)

Cross reference— Definitions and rules of construction generally, § 1-2.

Secs. 26-2—26-25. - Reserved.

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Sec. 26-26. - City clerk designated chief elections officer.

Sec. 26-27. - Dates of elections.

Sec. 26-28. - Precincts.

Sec. 26-29. - Polling places.

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Sec. 26-31. - Voting machines.

Sec. 26-32. - Ballots.

Sec. 26-33. - Absentee voting.

Secs. 26-34—26-55. - Reserved.

Sec. 26-26. - City clerk designated chief elections officer.

The city clerk is hereby designated the chief elections officer of the city and shall see that all city elections are conducted in a proper and legal manner. Subject to the approval of the city commission, the city clerk may delegate any or all of the responsibilities for administering the election to the supervisor of elections.

(Code 1979, § 2503)

Sec. 26-27. - Dates of elections.

- (a) Elections to fill the office of mayor and city commissioner shall be held according to section 3.04 of the Charter.
- (b) A special election to fill a vacancy in the office of city commissioner shall be held on the date set forth in the resolution by the city commission calling the election pursuant to section 3.10 of the Charter.
- (c) Issue elections shall be held on the date prescribed by applicable state law or resolution or ordinance calling the election.

(Code 1979, § 2522)

State law reference— Uniform election date in Broward County, Laws of Fla. chs. 75-350, 76-336, 77-507, 81-349.

Sec. 26-28. - Precincts.

- (a) Those precincts approved by the board of county commissioners pursuant to F.S. § 98.031 situated within the corporate limits of the city are hereby designated as the city precincts to be used in any and all city elections. This subsection constitutes the concurrence of the city to the conforming of the precinct boundaries to the boundaries of the city per F.S. § 98.091 (1).
- (b) The city clerk shall see that a certified copy of any annexation ordinance approved by the city commission is sent to the supervisor of elections. Precinct boundaries may be altered to conform to the municipal boundaries as changed due to annexation.

- (c) If a precinct boundary is unable to be altered to conform to annexation by the date of a city election, any qualified elector residing within the area annexed shall be eligible to vote in the city election.

(Code 1979, § 2523)

Sec. 26-29. - Polling places.

- (a) There shall be one polling place located within each precinct. Those polling places designated and used by the supervisor of elections shall be used for city elections.
- (b) Whenever necessary, polling place locations may be temporarily changed in the manner provided in F.S. §§ 101.71(2) and (3), and 101.74. The supervisor of elections shall consult with the clerk prior to relocating any polling place in a city election.
- (c) Each polling place shall, whenever possible, be accessible to the handicapped and comply with the standards of accessibility set forth in F.S. § 101.715(1).
- (d) The polling place shall be arranged in the manner prescribed in F.S. § 101.37.

(Code 1979, § 2524)

Sec. 26-30. - Poll workers.

- (a) At each polling place there shall be a sufficient number of poll workers to handle the anticipated number of voters. The supervisor of elections and city clerk shall determine the necessary number and report it together with the names of the poll workers to the city commission prior to the date of election. The city clerk shall appoint the poll workers for any city election; provided, however, when a city election is held in conjunction with a state election conducted by the supervisor of elections, the poll workers shall be those appointed by the supervisor of elections.
- (b) All poll workers for a city election shall have completed training classes conducted by the supervisor of elections.
- (c) One poll worker in each precinct shall be designated the precinct clerk and shall be in charge of, and responsible for, the conduct of the election at that polling place.
- (d) At a city election not held in conjunction with a state election, a deputy sheriff shall not be appointed for each polling place.
- (e) Poll workers shall conduct the election, and at the close of the polls ascertain the results for that precinct in the manner provided in F.S. chs. 101 and 102, to the extent not inconsistent with this chapter, and report the results in the manner directed by the city clerk. Electors shall cast their votes in the manner provided in F.S. ch. 101.

(Code 1979, § 2527)

Sec. 26-31. - Voting machines.

- (a) Voting machines shall be used in each city election. The machines shall be owned by the county and supplied by the supervisor of elections, unless the city is using machines on an experimental basis as authorized by F.S. § 101.31.
- (b) The number of voting machines in each precinct for city elections shall be determined by the supervisor of elections after consulting with the city clerk. In making such determination, the supervisor shall consider the traditional voting patterns and turnout in each precinct for a city election and furnish the number of machines necessary to handle efficiently the anticipated number of voters in that precinct for a city election.
- (c)

The voting machines to be used in a city election shall be prepared by the supervisor of elections in accordance with F.S. ch. 101.

(Code 1979, § 2525)

Sec. 26-32. - Ballots.

- (a) The form of the ballot in elections for city commissioner shall be in substantially the same form as the form of the ballot for the state general elections ballot prescribed in F.S. § 101.191.
- (b) Candidates shall be grouped together on the ballot by district, and within each district as stated in section 6.04(2) of the Charter. Those candidates running at large shall be grouped together by the particular seat being sought.
- (c) Ballots shall be prepared by the supervisor of elections pursuant to instructions from the city clerk and in accordance with state law and this chapter.
- (d) A sample ballot shall be published in a newspaper of general circulation prior to the day of election, but no more than ten days prior to the election. The city clerk shall see to the publication of the sample ballot. Such publication shall be conspicuous and shall not be included within the legal notices and advertisements being published per F.S. ch. 50

(Code 1979, § 2526)

Sec. 26-33. - Absentee voting.

- (a) An elector may request an absentee ballot and cast an absentee vote in any city election, provided the elector satisfies the definition of "absentee voter" in section 26-1
- (b) An absentee ballot may be requested in the manner provided in F.S. § 101.62, and voted in accordance with F.S. §§ 101.64—101.67.
- (c) Absentee ballots for any city election must be requested from, and returned to, the supervisor of elections, and received and kept in the same manner as provided in F.S. § 101.67.
- (d) Absentee ballots shall be canvassed by the county canvassing board in the manner provided in F.S. § 101.68.

(Code 1979, § 2528)

Secs. 26-34—26-55. - Reserved.

FOOTNOTE(S):

⁽⁵⁸⁾ *Cross reference— Administration, ch. 2. (Back)*

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ARTICLE III. - PROCEDURE

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DIVISION 1. - GENERALLY

Sec. 26-56. - Voter registration.

Sec. 26-57. - Closing of registration.

Sec. 26-58. - Removal from registration records.

Secs. 26-59—26-70. - Reserved.

Sec. 26-56. - Voter registration.

The city does hereby recognize and adopt the permanent single registration system for the registration of electors established by F.S. § 98.041. Individuals residing within the corporate limits of the city otherwise qualified and registered to vote in accordance with F.S. §§ 97.041—97-111 are the electors of the city.

(Code 1979, § 2504)

Charter reference— Electors, § 6.01(2).

State law reference— Qualification of electors, F.S. ch. 97; single registration system for all elections, F.S. § 98.041; municipal electors, F.S. § 166.032.

Sec. 26-57. - Closing of registration.

No individual residing within the corporate limits of the city registering to vote during the period that the registration is deemed closed by F.S. § 97.055, as amended.

(Code 1979, § 2505; Ord. No. 2010/027, § 2, 10-5-10)

State law reference— Close of registration books, F.S. § 98.051.

Sec. 26-58. - Removal from registration records.

Any registered elector of the city may be removed from the registration records pursuant to F.S. § 98.081.

(Code 1979, § 2506)

State law reference— Removal of names from registration books, F.S. § 98.081.

Secs. 26-59—26-70. - Reserved.

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DIVISION 2. - CANVASSING; PROTESTING AND CONTESTING [59]

Sec. 26-71. - Canvassing board.

Sec. 26-72. - Recounts.

Sec. 26-73. - Protest.

Sec. 26-74. - Contest.

Secs. 26-75—26-85. - Reserved.

Sec. 26-71. - Canvassing board.

- (a) For any city election, the county canvassing board shall be the canvassing board.
- (b) The canvassing board shall convene no later than the first day following the election. Absentee ballots shall be opened and counted or rejected at that meeting or at such other times as provided for by applicable law.
- (c) The canvassing board shall canvass the returns in accordance with F.S. § 102.141(3), as amended, and canvass absentee ballots in accordance with F.S. § 101.68, as amended.
- (d) At such time as the county canvassing board has canvassed the returns, disposed of any challenges thereto, and ascertained and certified the results, the supervisor of elections shall issue a certificate of election to each candidate elected and issue and file a certificate of election of each issue.

(Code 1979, § 2529; Ord. No. 2010/027, § 3, 10-5-10)

Sec. 26-72. - Recounts.

- (a) In its discretion, the canvassing board may order a recount of the returns of any election prior to the final certification of the results.
- (b) If the returns for any office reflect that a candidate was defeated or eliminated by one-half of one percent or less of the votes cast for such office, that a commissioner subject to recall was retained or not retained by one-half of one percent or less of the votes cast on the question of recall, or that an issue appearing on the ballot was approved or rejected by one-half of one percent or less of the votes cast on such measure, the canvassing board shall order a recount of the votes cast with respect to such office or issue. A recount need not be ordered with respect to the returns for any office, however, if the candidate or candidates defeated, recalled, or eliminated from contention for such office by one-half of one percent or less of the votes cast for such office request in writing that a recount not be made. The canvassing board shall examine the counters on the machines or the tabulation of the ballots cast in each precinct in which the office or issue appeared on the ballot and determine whether the returns correctly reflect the votes cast. If there is a discrepancy between the returns and the counters of the machines or the tabulation of the ballots cast, the counters of such machines or the tabulation of the ballots cast shall be presumed correct and such votes shall be canvassed accordingly.

- (c) Upon request of any candidate for good cause shown, the canvassing board may, prior to the final certification of results, order a recount, in whole or in part, of the election in which that candidate participated. Upon request of any elector for good cause shown, the canvassing board may, prior to final certification of results, order a recount of any issue election.

(Code 1979, § 2530)

Sec. 26-73. - Protest.

A candidate or any elector qualified to vote in the election related to such candidacy may file a protest of the election returns pursuant to F.S. § 102.166, in the form prescribed in F.S. § 102.167. The canvassing board shall consider the protest as provided in F.S. § 102.166(1), if filed with that board.

(Code 1979, § 2531)

Sec. 26-74. - Contest.

- (a) An unsuccessful candidate may contest the results of the election in which he participated as provided in F.S. § 102.168.
- (b) A taxpayer of the city may contest the results of any question or issue submitted to a vote of the electors as provided in F.S. § 102.168.
- (c) If the unsuccessful candidate filing a contest is determined to be entitled to the office, and some other individual has been issued a certificate of election or entered upon the duties of the office, a judgment of ouster may be entered by the circuit court and the contestant shall assume that office.
- (d) If a judgment is entered setting aside an issue election, the election shall be regarded as having been void.

(Code 1979, § 2532)

Secs. 26-75—26-85. - Reserved.

FOOTNOTE(S):

⁽⁵⁹⁾ *State Law reference— Canvassing of elections, procedure, Laws of Fla. ch. 75-350, § 8. (Back)*

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DIVISION 3. - UNFAIR CAMPAIGN PRACTICES [601]

Sec. 26-86. - Policy.

Sec. 26-87. - Prohibited acts and practices—Generally; penalty.

Sec. 26-88. - Same—By state law.

Sec. 26-89. - Signs.

Sec. 26-90. - Misuse of political position.

Secs. 26-91—26-110. - Reserved.

Sec. 26-86. - Policy.

It is hereby declared to be the policy of the city that all elections shall be conducted in a proper, orderly and fair manner so as to permit the will of the electorate to be determined. Campaigns for elective city office shall be on a nonpartisan basis with the qualifications and positions of the respective candidates, not party affiliation, being the basis for the voter's choice. Likewise, issue elections shall be conducted in a manner so as to permit the free and robust exchange of ideas and opinions, yet avoiding unfair and improper campaign tactics which abuse the open debate so vital to our democratic concept of government.

(Code 1979, § 2533)

Sec. 26-87. - Prohibited acts and practices—Generally; penalty.

- (a) It shall be an unfair campaign practice for a candidate to elective city office, or an agent or authorized representative thereof on behalf of such candidate, to:
 - (1) Campaign by way of announcements, publications or other forms of political advertising as a registered member of any political party.
 - (2) Campaign by way of announcements, publications or other forms of political advertising in a manner as to indicate that such candidate is a registered member of a particular political party.
- (b) Any person committing an act prohibited by this chapter shall be guilty of an unfair campaign practice, and subject to a fine not to exceed \$500.00. Each separate incident shall be deemed a separate violation subject to the fine prescribed in this section and any other penalty prescribed by law.

(Code 1979, § 2534)

Sec. 26-88. - Same—By state law.

Those acts and practices prohibited in F.S. ch. 104 shall be prohibited in all elections conducted pursuant to this chapter, and shall be punishable as provided in F.S. ch. 104.

(Code 1979, § 2535)

Sec. 26-89. - Signs.

- (a) Political campaign signs shall be placed and removed in accordance with the provisions of the sign ordinance of the city, Ordinance No. 1091, as amended.
- (b) The unauthorized alteration, destruction or removal of a political sign of a candidate or political committee, other than its removal by a city employee enforcing F.S. § 479.22, shall constitute an unfair campaign practice and subject the violator to a fine not to exceed \$500.00. Each separate incident shall be deemed a separate violation subject to the fine prescribed in this section and any other penalty prescribed by law.

(Code 1979, § 2536)

State law reference— Political signs, F.S. § 104.1435.

Sec. 26-90. - Misuse of political position.

- (a) No officer or employee of the city, except as exempted from the provisions of this section, shall:
 - (1)

Use his official authority or influence for the purpose of interfering with an election or a nomination of office or coercing or influencing another person's vote or affecting the result thereof.

- (2) Directly or indirectly coerce or attempt to coerce, command or advise any other officer or employee to pay, lend or contribute any part of his salary, any sum of money, or anything else of value to any political party, committee, organization, agency, or person for political purposes; provided, however, nothing in this paragraph shall prohibit a city employee from suggesting to another city employee in a noncoercive manner that he may voluntarily contribute to a fund which is administered by a political party, committee, organization, agency, person, labor union or other organization for political purposes.
 - (3) Directly or indirectly coerce or attempt to coerce, command and advise any city officer or employee as to where he might purchase commodities or to interfere in any other way with the personal right of such officer or employee for, or as a result of, political purposes.
- (b) The provisions of this section shall not be construed so as to prevent any city officer or employee from becoming a candidate for and actively campaigning for any elective office in this state. All such persons shall retain the right to vote as they may choose and to express opinions on any political subject and candidate. The provisions of subsection (a)(1) shall not be construed so as to limit the political activity in a general, special, primary, bond, referendum or any other election of any kind or nature, of elected officials or candidates for office in the city.
 - (c) Nothing contained in this section or in the Charter shall be deemed to prohibit any public employee from expressing his opinions on any candidate or issue or from participating in any political campaign during his off-duty time, so long as such activities are not prohibited in this section.
 - (d) Any officer or employee of the city using his official position to support or oppose a candidate for city elective office shall be guilty of an unfair campaign practice and a municipal ordinance violation punishable as provided in state law, provided that this subsection shall not prohibit public endorsements or other expressions of support or opposition.

(Code 1979, § 2537)

State law reference— Political activities of city employees, etc., F.S. § 104.31.

Secs. 26-91—26-110. - Reserved.

FOOTNOTE(S):

⁽⁶⁰⁾ *State Law reference— Election code violations, F.S. ch. 104. [\(Back\)](#)*

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- Sec. 26-111. - Oath.
- Sec. 26-112. - Method of qualifying.
- Sec. 26-113. - Qualifying fee.
- Sec. 26-114. - Alternative method of qualifying.
- Sec. 26-115. - Write-in candidates.
- Sec. 26-116. - Time for qualifying.
- Sec. 26-117. - Vacancy in candidacy for mayor or city commissioner.
- Sec. 26-118. - Candidate's name on ballot.
- Sec. 26-119. - Campaign financing, compliance with state law.
- Sec. 26-120. - State late controlling.
- Secs. 26-121—26-140. - Reserved.

Sec. 26-111. - Oath.

- (a) Each individual in order to qualify as a candidate for city office shall take and subscribe to an oath or affirmation in writing.
- (b) The form of the oath required by subsection (a) shall be substantially as follows:

State of Florida
County of Broward

Before me, an officer authorized to administer oaths, personally appeared _____ (please print name as you wish it to appear on the ballot) _____, to me well known, who, being sworn, says that he is a candidate for the office of _____; that he is a qualified elector of Broward County, Florida; that he is qualified under the Constitution and the laws of Florida to hold the office to which he desires to be nominated or elected; that he has taken the oath required by F.S. §§ 876.05—876.10; that he has not violated any of the laws of the state relating to elections or the registration of electors; that he has qualified for no other public office in the state, the term of which office or any part thereof runs concurrent with that of the office he seeks; and that he has resigned from any office from which he is required to resign pursuant to F.S. § 99.012 and Charter section 3.12(4).

	(Signature of candidate) _____
	(Address) _____

Sworn to and subscribed before me this _____ day of _____, 19____ at Broward County, Florida.

_____/_____/_____(Signature and title of officer
administering oath) _____/_____/_____

(Code 1979, § 2508)

Charter reference— Oath, § 4.05.

State law reference— Oath, F.S. § 99.021.

Sec. 26-112. - Method of qualifying.

Each person seeking to qualify as a candidate for city office shall file with the city clerk a candidate's oath and a request that his name be printed on the next city election ballot, together with campaign finance reports required by F.S. § 106.07, and a statement of financial interest required by F.S. § 112.3145, as amended, if applicable, or copies in lieu of originals previously filed.

(Code 1979, § 2509(a); Ord. No. 2010/027, § 4, 10-5-10)

Sec. 26-113. - Qualifying fee.

Unless qualifying pursuant to the alternative method of qualifying set forth in section 26-114, a qualification fee of \$100.00 shall be paid at the same time as the qualification papers are filed pursuant to section 26-112. Payment of the fee shall be by a check drawn on the candidate's campaign account payable to the city, delivered to the city clerk, who shall see that it is deposited in the general revenue fund of the city.

(Code 1979, § 2509(b))

State law reference— Election assessment, F.S. § 99.013.

Sec. 26-114. - Alternative method of qualifying.

- (a) As an alternative method of qualifying for those individuals unable or unwilling to pay the qualification fee, a petition containing the signatures of city electors equal in number to three percent of the total registered electors of the district from which they are seeking election (in the case of the mayor, the entire city), as of the most recent preceding regular city election may be filed with the city clerk, together with the required qualification papers, requesting that the individual's name be placed on the next city ballot for the office designated on the petition. The designation of office shall be specific as to which seat of a particular office is being sought. The designation may not be changed during the circulation of a petition, nor upon or after being filed with the city clerk. The petition shall be filed with the city clerk no later than the 49th day preceding the next city election.
- (b) The petition shall be transmitted by the city clerk to the supervisor of elections for signature verification pursuant to F.S. § 99.097. The supervisor shall return the petition to the city clerk within ten days after receipt together with a certification of the number of signatures of city electors on the petition and whether that number equals or exceeds the requisite number. The cost of signature verification shall be paid pursuant to F.S. § 99.097(4), except that if a candidate is entitled to have the signatures verified at no cost to that candidate, the supervisor shall submit a statement for the cost of such verification, not to exceed \$0.10 per name, to the city for payment. A candidate is entitled to have the petition signatures verified at no cost to that candidate provided he executes an affidavit under oath that he cannot pay the charges for verification without imposing an undue burden upon the financial resources available to him. Such affidavit shall be filed with the city clerk together with the petition.
- (c) Upon receipt of the supervisor's certification, the city clerk shall notify the candidate of the result of the verification. If the requisite number of valid signatures was attained, the city clerk

shall place the candidate's name on the next city election ballot and he shall be considered as having qualified as of the date the petition was filed.

(Code 1979, § 2509(c); Ord. No. 2010/027, § 5, 10-5-10)

Sec. 26-115. - Write-in candidates.

An individual may qualify as a write-in candidate by filing a statement to that effect, under oath, with the city clerk as required by and during the time period prescribed by Florida law. The write-in candidate shall file the candidate's oath set forth in section 26-111(b). No qualification fee shall be required or collected from a write-in candidate. The candidate's name shall not be printed on the ballot, but provision shall be made for write-in votes to be cast in the next city election. Only write-in votes cast for a candidate who has qualified as a write-in candidate per this section shall be counted and canvassed as a valid vote.

(Code 1979, § 2509(d); Ord. No. 2010/027, § 6, 10-5-10)

Sec. 26-116. - Time for qualifying.

No person may qualify as a candidate in accordance with this article prior to the time specified by special county law.

(Code 1979, § 2510)

State law reference— Qualifying period, Laws of Fla. ch. 77-507.

Sec. 26-117. - Vacancy in candidacy for mayor or city commissioner.

- (a) A candidate may withdraw at any time prior to the election by filing with the city clerk a written and executed statement, under oath, to that effect. The candidate's name shall then not be printed on the ballot, or, if the ballots have been printed, the city clerk shall undertake such measures as are within his/her control or permitted by the supervisor of elections to remove the candidate's name from the ballot.
- (b) *Death, withdrawal or removal.*
 - (1) If the death, withdrawal or removal from the ballot of a qualified candidate or candidates following the end of the qualifying period results in fewer than two candidates for that office, and at least 45 days remain before the election, the qualifying period for that office shall be reopened for a certain period as discussed in subsection (3) below. All qualified candidates registered during that period shall be placed on the ballot at the general municipal election along with the remaining candidate.
 - (2) If the death, withdrawal or removal from the ballot of a qualified candidate or candidates following the end of the qualifying period results in fewer than two candidates for that office, and less than 45 days remain before the election, that specific office shall be delayed by not less than 45 nor more than 60 days at which time a special municipal election for that office only shall take place. The city clerk shall promptly advertise at least one notice of the rescheduled election and reopening of registration in a newspaper of general circulation in the City of Deerfield Beach and shall post notice of same at City Hall in a conspicuous place.
 - (3) If an election is held pursuant to subsection (1) or (2) above, a supplemental qualifying period shall be established after notice of the vacancy has been published at least once in a newspaper of general paid circulation in the City of Deerfield Beach

and notice of same has been posted at City Hall in a conspicuous place. Said notice shall appear no less than ten days prior to the first day set for qualifying for office. The supplemental qualifying period shall end at noon on the fifth business day after the beginning date of the supplemental qualifying period. Any candidate wishing to qualify during this supplemental qualifying period shall file all documents and qualifying fees as required by the City Charter or the City Code, prior to the end of the supplemental qualifying period. In the case of a special election pursuant to subsection (2) above, the city clerk shall promptly advertise at least one notice of the rescheduled election. The notice shall be a quarter page display advertisement appearing at least ten days prior to the rescheduled election date.

- (4) Any remaining candidate for that office shall not be required to re-qualify for election or pay a second qualifying fee. Any remaining candidate shall not be declared an unopposed candidate under F.S. Ch. 106, unless no additional candidate qualifies for election during the supplemental qualifying period. Any remaining candidate may continue to accept contributions until he is declared unopposed. If he is declared unopposed pursuant to this section, he shall be declared elected. If a special election was to be held pursuant to subsection (a)(2), that election shall be canceled.
- (5) The filing of campaign expense statements pursuant to F.S. Ch. 106, by candidates in an election called under subsection (b), including the remaining candidate, shall not be later than such dates as fixed by the city clerk.
- (6) If an election is held pursuant to subsection (b), and other candidates qualify for election during the supplemental qualifying period, supplemental absentee ballots for the election shall be mailed to any absentee voter who was previously mailed an absentee ballot for the regular election. If an absentee voter returns the initial ballot he was mailed, his vote for that office for which the election was called will be null and void, but his votes on all other offices and issues shall be counted.
- (c) *Changes in ballot.* 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.
- (d) *No refund of qualifying fee.* 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.

(Code 1979, §§ 2511(a), (c), (d), 2511A; Ord. No. 1993/002, § 1, 1-5-93; Ord. No. 1993/009, § 1, 2-16-93; Ord. No. 2004/027, § 2, 9-21-04)

Sec. 26-118. - Candidate's name on ballot.

The name of a candidate shall be printed on the ballot in the same form as the name appears on the candidate's oath. Shortened versions or nicknames may be used if so indicated. No title or evidence of incumbency shall be printed.

(Code 1979, § 2512)

Sec. 26-119. - Campaign financing, compliance with state law.

Any candidate for elective city office, including an elected officer sought to be recalled, is subject to, and shall comply with, the provisions of F.S. ch. 106.

(Code 1979, § 2538)

State law reference— Campaign financing, F.S. ch. 106.

Sec. 26-120. - State law controlling.

In all cases where a statute referred to in this chapter is amended, the amendment shall be given effect. In all cases where state law specifically contradicts a provision of this chapter, state law shall control to the extent it is inconsistent with any provision hereof.

(Ord. No. 2010/027, § 7, 10-5-10)

Secs. 26-121—26-140. - Reserved.

FOOTNOTE(S):

⁽⁶¹⁾ *State Law reference— Resign to run, F.S. § 99.012; campaign financing, F.S. ch. 106. [\(Back\)](#)*

Deerfield Beach, Florida, Code of Ordinances >> PART II - CODE OF ORDINANCES >> Chapter 26 - ELECTIONS >> ARTICLE V. - ISSUE ELECTIONS >>

ARTICLE V. - ISSUE ELECTIONS ¹⁶²¹

Sec. 26-141. - Initiative and referendum, etc., issues.

Sec. 26-142. - Calling of election.

Sec. 26-143. - Applicable election laws.

Sec. 26-144. - Ballot language.

Sec. 26-145. - Notice of election.

Sec. 26-146. - Ballot position.

Sec. 26-147. - Administration.

Sec. 26-148. - Initiative elections.

Sec. 26-149. - Referendum.

Sec. 26-150. - Recall.

Sec. 26-151. - Bond authorization.

Sec. 26-152. - Involuntary annexation.

Sec. 26-153. - Straw ballot.

Sec. 26-154. - Violations declared.

Sec. 26-155. - Removal of names.

Sec. 26-141. - Initiative and referendum, etc., issues.

Proposed amendments or revisions to the Charter shall be proposed and submitted to the electors in accordance with the Charter or state law. To the extent not inconsistent with state law and the Charter, the provisions of this article shall apply to issue elections.

(Code 1979, § 2521)

Sec. 26-142. - Calling of election.

- (a) Except as otherwise provided by state law or the Charter, an issue election may be called by the city commission upon approval of a resolution to that effect following certification from the city clerk that any and all applicable procedures and requirements relating to such an election have been satisfied. Whenever possible, the issue election shall be held in conjunction with a regular state or city election.
- (b) No issue election may be held less than 45 days after the date the election is called, unless so provided by state law.

(Code 1979, § 2513; Ord. No. 2010/027, § 8, 10-5-10)

Sec. 26-143. - Applicable election laws.

Except as otherwise provided by state law or City Charter, an issue election shall be conducted pursuant to the provisions of this chapter.

(Code 1979, § 2514; Ord. No. 2010/027, § 9, 10-5-10)

Sec. 26-144. - Ballot language.

- (a) The city commission shall in the resolution calling the election pursuant to section 26-142 provide the language to appear on the ballot.
- (b) Form.
 - (1) Except for those issues in which state law prescribes the language to appear on the ballot, the ballot language shall consist of a title and the substance of the issue stated in the form of a question in clear and unambiguous language followed by the words "yes" and "no," and styled in such a manner that a "yes" vote will indicate approval of the proposal and a "no" vote will indicate rejection.
 - (2) If state law prescribes the specific language to appear on the ballot, the ballot language shall be in substantially the form as provided in the applicable state law.
 - (3) If a special act of the legislature relating to the city requires the approval of the electors of the city to be effective, the ballot language shall be as set forth in the special act. However, should the act not prescribe the ballot language, the city attorney shall prepare the language consisting of a brief summation of the act not exceeding 75 words in a question form and providing for a "yes" vote indicating approval of the act and a "no" vote indicating disapproval or rejection of the act.
- (c) Ballot title; issue.
 - (1) Whenever possible, the ballot title shall consist of a caption not exceeding 15 words by which the measure is commonly referred.
 - (2) Whenever possible, the substance of the issue shall be an explanatory statement of the primary purpose of the issue in the form of a question not exceeding 75 words.
- (d) If more than one issue is to appear on the same ballot, a consecutive designating number shall be assigned by the city clerk to each in the order of filing of the appropriate petition or other document required in order to be placed on the ballot or approval by the city commission of the resolution calling the election. Referenda on special acts shall be separately designated.
- (e) No later than 30 days prior to the election, the city clerk shall transmit to the supervisor of elections a certified copy of any resolution calling an issue election together with the designating number, if applicable, the ballot title, and substance of the issue.

(Code 1979, § 2515)

State law reference— Similar provisions, F.S. § 101.161.

Sec. 26-145. - Notice of election.

- (a) The city clerk shall cause a notice of election to be published in a newspaper of general circulation at least once during the fifth week and once in the third week preceding the week in which the election is held.
- (b) The notice shall be styled "City of Deerfield Beach, Notice of Election," and shall state the date of the election and issue to be voted upon. The ballot language shall be included in the notice.

(Code 1979, § 2516)

Sec. 26-146. - Ballot position.

Any issue on a ballot also having candidates for elective office shall be placed in a position on the ballot so that it is separate and distinct from that portion of the ballot containing candidates'

names, and shall be placed on the ballot either after or to the right of the candidates' position on the ballot.

(Code 1979, § 2517)

Sec. 26-147. - Administration.

Any issue election called pursuant to this chapter shall be conducted and administered by the supervisor of elections under the direction of the city clerk pursuant to the procedures set forth in applicable state law or article II of this chapter.

(Code 1979, § 2520)

Sec. 26-148. - Initiative elections.

- (a) Ordinances proposed by initiative shall be proposed and voted upon in the manner provided in section 7.02 of the Charter and this chapter.
- (b) The city clerk shall receive all filings required by the Charter relating to initiative. For the purpose of this section, a filing shall be made as of the time of actual receipt or receipt by mail at the office of the city clerk.
- (c) The petitioner's committee shall be considered a political committee within the definition of F.S. § 106.011(1) and shall comply with all registration, reporting and campaign finance requirements of F.S. ch. 106.
- (d) Petition blanks.
 - (1) Petition blanks shall consist of one sheet of paper, printed on only one side, entitled "City of Deerfield Beach Initiative Petition." The blank shall be in substantially the following form:

City of Deerfield Beach
Initiative Petition

The petitioner's committee listed below is proposing an ordinance by initiative. A summary of the ordinance is as follows:

(Summary of ordinance)

This proposed ordinance, if signed by 15 percent of the city's electors as of the last city election, will be presented to the city commission. If it is not adopted by the commission, it will then be submitted to the voters. If you approve of the ordinance and/or wish it to be submitted to the commission and the voters, please sign below, but only if you are a registered voter of the City of Deerfield Beach.

Petitioner's Committee	
Name _____	_____
	Elector's signature as appears on voter registration rolls
Name _____	_____
	Home Address
Name _____	_____
	City Zip Code
Name _____	_____
	Precinct number Date (if known)

Name _____

Circulator's Affidavit

I, the undersigned, personally circulated this paper, the one signature affixed was done in my presence, the signer had an opportunity to read the full text of the proposed ordinance, and I believe it to be a genuine signature.

	<u> </u> Circulator
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Subscribed and sworn before me this _____ day of
 _____ / _____ / _____ A.D., 19_____.

	<u> </u> Notary
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- (2) Petition blanks for each issue shall be of a uniform size and shall be prepared at the expense of the petitioner's committee. No blanks may be circulated for signature prior to the filing of the affidavit by the petitioner's committee as required by article VII of the Charter, and the approval of the form by the city clerk.
- (e) Upon the filing of an initiative petition, the city clerk shall determine if it is sufficient as to form, content, and circulator affidavits. If not, the city clerk shall promptly issue an insufficiency certificate and mail it to the petitioner's committee by registered mail. A petition deemed insufficient for any reason other than lack of the required number of signatures may not be amended or resubmitted.
- (f) A petition deemed by the city clerk to be sufficient as to form, content, and circulator affidavits shall be promptly delivered to the supervisor of elections for verification of signatures pursuant to F.S. § 99.097; however the random sample procedure of F.S. §§ 99.097(1)(b) and (2) shall not be used. The petitioner's committee shall pay the supervisor the fee for verification as required by F.S. § 99.097(4). The supervisor shall complete the verification no later than the 20th day following the date of the filing of the petition with the city clerk, and prepare a certificate, which shall be promptly delivered to the city clerk, stating the number of signatures checked, the number verified to be registered electors of the city, and the number of signatures determined not to be of registered electors of the city. Upon receipt of the certificate, the city clerk shall compare the number of verified signatures to the number equal to 15 percent of the registered electors of the city as of the last regular city election, and if the number of verified signatures exceeds the requisite number, the city clerk shall issue a certificate of sufficiency, and transmit a copy by registered mail to the petitioner's committee, and deliver a copy of the certificate and the proposed ordinance to the members of the city commission.
- (g) If the city commission fails to adopt a proposed initiative ordinance without any change in substance within 60 days of issuance of the certificate of sufficiency by the city clerk, it shall, no later than the 60th day following issuance of the certificate of sufficiency, adopt a

resolution calling an issue election to consider the proposed ordinance, and prescribing the ballot language in the manner provided in this article. The election shall be held not less than 45 days nor more than 180 days after the approval of the resolution. Whenever possible, the election shall be held in conjunction with a regularly scheduled state or city election.

- (h) Cancellation of elections.
- (1) At any time prior to the 30th day preceding the election, the chairman and at least 51 members of the petitioner's committee may file with the city clerk a written request under oath for withdrawal of the initiative petition. Upon filing, the petition shall be considered withdrawn and no longer of any effect. If the city commission is considering the ordinance at the time of withdrawal, it may, in its discretion, continue such consideration. If an election has been called prior to the petition withdrawal, the city clerk shall, upon receipt of the request, transmit a notice thereof to the city commission and the supervisor of elections, and the city commission shall by resolution cancel the election.
 - (2) If at any time prior to, or on, the 46th day following issuance of the certificate of sufficiency, the city commission adopts the proposed initiative ordinance without any change in substance, and an issue election has previously been called for the electors to vote on that ordinance, the city commission shall by resolution cancel that election.
- (i) Approval of ordinances.
- (1) If an ordinance proposed by initiative is submitted to an election, it shall be adopted if a majority of the electors voting in that election approve the ordinance. It shall be adopted as of the date the results of the election are canvassed and certified by the city commission in the manner provided in division 2 of article III of this chapter. The effective date of the ordinance shall be the date the election results are certified or on the date set forth in the ordinance, whichever is later.
 - (2) If two or more ordinances are approved at the same election, and, in the opinion of the city attorney, two or more such ordinances are in conflict, in whole or in part, the election results shall be canvassed and certified, but the ordinance in conflict receiving the largest number of affirmative votes shall be effective to the extent of the conflict, and the conflicting provisions of any other ordinance shall be considered repealed by the ordinance receiving the largest number of affirmative votes.

(Code 1979, § 2521a.)

Charter reference— Initiative and referendum, §§ 7.02—7.10.

Sec. 26-149. - Referendum.

- (a) A referendum to repeal an ordinance previously adopted by the city commission shall be proposed and voted upon in the manner provided in article VII of the Charter and this chapter.
- (b) The city clerk shall receive all filings required by the Charter relating to referendum. For the purpose of this section, a filing shall be made as of the time of actual receipt or receipt by mail at the office of the clerk.
- (c) The petitioner's committee shall be considered a political committee within the definition of F.S. § 106.01(1), and shall comply with all registration, reporting and campaign finance requirements of F.S. ch. 106.
- (d) Petition blanks.
 - (1)

Petition blanks shall consist of one sheet of paper, printed on only one side, entitled "City of Deerfield Beach Referendum Petition." The blank shall be in substantially the following form:

City of Deerfield Beach
Referendum Petition

The petitioner's committee listed below is proposing that Ordinance No. _____ adopted on _____ / _____ / _____ be repealed. A summary of the ordinance is as follows:

(summary of ordinance)

If this petition is signed by 15 percent of the city's electors as of the last city election, and the city commission fails to repeal the ordinance, the voters of the city will vote whether to repeal. If you want the ordinance repealed and/or submitted to the voters, please sign below, but only if you are a registered voter of the city.

Petitioner's Committee	
Name _____	_____ Elector's signature as appears on voter registration rolls
Name _____	_____ Home Address
Name _____	_____ City Zip Code
Name _____	_____ Precinct number Date (if known)
Name _____	

Circulator's Affidavit

I, the undersigned, personally circulated this paper, the one signature affixed was done in my presence, the signer had an opportunity to read the full text of the proposed ordinance, and I believe it to be a genuine signature.

	_____ Circulator
--	---------------------

Subscribed and sworn before me this _____ day of
_____ / _____ / _____ A.D., 19 _____.

	_____ Notary
--	-----------------

(2) Petition blanks for each issue shall be of a uniform size and shall be prepared at the expense of the petitioner's committee. No blanks may be circulated for signature prior

to the filing of the affidavit by the petitioner's committee as required by article VII of the Charter, and the approval of the form by the city clerk.

- (e) Upon filing of a referendum petition, the city clerk shall determine if it is sufficient as to timeliness, form, content, and circulator affidavits. If not, the city clerk shall promptly issue an insufficiency certificate and mail it to the petitioner's committee by registered mail. A petition deemed insufficient for any reason other than lack of the required number of signatures may not be amended or resubmitted.
- (f) A petition deemed by the city clerk to be sufficient as to form, content and circulator affidavits shall be promptly delivered to the supervisor of elections for verification of signatures pursuant to F.S. § 99.097; however, the random sample procedure of F.S. § 99.097(1)(b) and (2) shall not be used. The petitioner's committee shall pay the supervisor the fee for verification as required by F.S. § 99.097(4). The supervisor shall complete the verification no later than the 20th day following the date of the filing of the petition with the city clerk, and prepare a certificate, which shall be promptly delivered to the city clerk, stating the number of signatures checked, the number verified to be registered electors of the city, and the number of signatures determined not to be of registered electors of the city. Upon receipt of the certificate, the city clerk shall compare the number of verified signatures to the number equal to 15 percent of the registered electors of the city as of the last regular city election, and if the number of verified signatures exceeds the requisite number, the city clerk shall issue a certificate of sufficiency, and transmit a copy by registered mail to the petitioner's committee, and deliver a copy of the certificate and the proposed ordinance to the members of the city commission.
- (g) If the city commission fails to adopt a proposed initiative ordinance without any change in substance within 60 days of issuance of the certificate of sufficiency by the city clerk, it shall, no later than the 60th day following the issuance of the certificate of sufficiency, adopt a resolution calling an issue election to consider the proposed ordinance, and prescribing the ballot language in the manner provided in this article. The election shall be held not less than 45 days nor more than 180 days after approval of the resolution. Whenever possible, the election shall be held in conjunction with a regularly scheduled state or city election.
- (h) At any time prior to the 30th day preceding the election, the chairman and at least 51 members of the petitioner's committee may file with the city clerk a written request under oath for withdrawal of the initiative petition. Upon filing, the petition shall be considered withdrawn and no longer of any effect. If the city commission is considering the ordinance at the time of withdrawal, it may, in its discretion, continue such consideration. If an election has been called prior to the petition withdrawal, the city clerk shall, upon receipt of the request, transmit a notice thereof to the city commission and the supervisor of elections, and the city commission shall by resolution cancel the election.
- (i) If an ordinance sought to be repealed by referendum is submitted to an election, it shall be repealed if a majority of the electors voting in that election approve the repeal. It shall be repealed as of the date the election is canvassed and certified by the city commission in the manner provided in division 2 of article III of this chapter.

(Code 1979, § 2521b.)

Charter reference— Initiative and referendum, §§ 7.02—7.10.

Sec. 26-150. - Recall.

- (a) The recall of a city commissioner shall be conducted pursuant to F.S. § 100.361.
- (b) The ballot language for recall of a city commissioner shall be that prescribed in F.S. § 100.361(3).

- (c) The committee circulating petitions for recall shall be considered a political committee under F.S. ch. 106, and shall register as such pursuant to F.S. § 106.03 prior to receiving any contributions or making any expenditures seeking the recall election of any commissioner.

(Code 1979, § 2521c.)

Sec. 26-151. - Bond authorization.

- (a) An election to approve the issuance of bonds or other forms of indebtedness shall be called and conducted pursuant to F.S. §§ 100.291 through 100.342 and this chapter to the extent not in conflict with state law.
- (b) No bond referendum shall be limited to voting by freeholders. Any registered elector residing within the city shall be qualified and eligible to vote in bond referenda, provided such elector has registered no less than 30 days prior to the date of the election.
- (c) Any person seeking to influence the results of a bond referendum shall register as a political committee pursuant to F.S. § 106.03 prior to receiving any contributions or making any expenditures relating to such referendum in excess of \$100.00 in aggregate.

(Code 1979, § 2521d.)

Sec. 26-152. - Involuntary annexation.

- (a) A referendum on the involuntary annexation of land adjacent to the corporate limits shall be held and conducted pursuant to F.S. § 171.0413 and the provisions of this chapter to the extent not inconsistent with that statute.
- (b) The city commission shall call an annexation referendum by adoption of an ordinance describing the land to be annexed and setting the date for the election. A certified copy of the ordinance shall be delivered to the supervisor of elections by the city clerk. The ordinance shall be effective upon approval by both the electors of the city and the area sought to be annexed.
- (c) The annexation referendum election shall be administered by the supervisor of elections who shall report the results of the election as to both the city and the area sought to be annexed. The county canvassing board shall serve as the canvassing board and certify the results of the election.

(Code 1979, § 2521e.)

Sec. 26-153. - Straw ballot.

- (a) The city commission may, at any time, by resolution, call a special election for the purpose of having the electors of the city vote on an issue in a nonbinding referendum. The resolution shall call the election, set the date therefor, and prescribe the ballot language. The city clerk shall cause a notice of election to be published in accordance with section 26-145.
- (b) The election may be held in conjunction with a regularly scheduled state or city election or at such other time as provided by the city commission.
- (c) The campaign finance provisions of F.S. ch. 106 shall apply to elections called pursuant to this section.
- (d) The county canvassing board shall canvass and certify the results of the election as provided in division 2 of article III of this chapter.

(Code 1979, § 2521f.)

Sec. 26-154. - Violations declared.

- (a) Any person knowingly signing a petition more than one time shall be in violation of F.S. § 104.185.
- (b) Any circulator falsely executing the affidavit on any petition blank shall be in violation of F.S. § 104.011.
- (c) Any person who by bribery, menace, threat or other corruption whatsoever, directly or indirectly, attempts to, or does in fact, influence, deceive or deter any elector, or in any way interferes with any elector in the free exercise of his right to sign or not sign a petition shall be guilty of a violation of this section and punishable as provided in state law.
- (d) Any person who shall, directly or indirectly, give or promise anything of value to another intending thereby to buy that individual's or another's signature on a petition or to corruptly influence another in signing or not signing a petition shall be guilty of a violation of this section and punishable as provided in state law.

(Code 1979, § 2521g.)

Sec. 26-155. - Removal of names.

Any person may request the removal of his name from a previously executed petition prior to the filing of the petition with the city clerk. The responsibility for removal of any name pursuant to a request shall be that of the petitioner's committee, and failure to promptly do so when requested shall be a violation of this section and punishable as provided in state law.

(Code 1979, § 2521h.)

FOOTNOTE(S):

⁽⁶²⁾ **Charter reference**— *Charter amendments, art. IX.* [\(Back\)](#)

⁽⁶²⁾ **State Law reference**— *Charter amendments, F.S. § 166.031.* [\(Back\)](#)