

ORDINANCE NO. 2010/027

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DEERFIELD BEACH, FLORIDA AMENDING THE CITY CODE REGARDING ELECTIONS; AMENDING SECTION 26-1, DEFINITIONS, SECTION 26-57 REGARDING CLOSING OF REGISTRATION, SECTION 26-71 REGARDING THE CANVASSING BOARD; SECTION 26-112 AND 26-114 REGARDING QUALIFYING, SECTION 26-115 REGARDING WRITE-IN CANDIDATES, SECTION 26-120 REGARDING STATE LAW, SECTION 26-142 REGARDING CALLING AN ELECTION, SECTION 26-14 REGARDING APPLICABLE ELECTION LAWS; CONTAINING A PROVISION FOR INCLUSION IN THE CITY CODE; CONTAINING A SEVERABILITY CLAUSE; CONTAINING AN EFFECTIVE DATE

WHEREAS, the City of Deerfield Beach wishes to update its election code;

NOW THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF DEERFIELD BEACH, FLORIDA, AS FOLLOWS:

SECTION 1. Section 26-1 of the City Code is hereby amended to read as follows:

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.

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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.

~~*Primary city election* means an election to fill the office of mayor or city commissioner held at the time prescribed in section 26-27(a).~~

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.

SECTION 2. Section 26-57 is hereby amended to read as follows:

Sec. 26-57. Closing of registration.

No individual residing within the corporate limits of the city registering to vote ~~less than 30 days prior to any city election shall be permitted to vote in that election.~~ during the period that the registration is deemed closed by Section 97.055, Florida Statutes, as amended.

SECTION 3. Section 26-71 is hereby amended to read as follows:

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.

SECTION 4. Section 26-112 is hereby amended to read as follows:

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 ~~primary~~ 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.

SECTION 5. Section 26-114 is hereby amended to read as follows:

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 city district from which they are seeking election (in the case of the mayor, the entire city), as of the most recent preceding ~~primary or~~ 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 primary 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 primary election ballot and he shall be considered as having qualified as of the date the petition was filed.

SECTION 6. Section 26-115 is hereby amended to read as follows:

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 no later than the 63rd day preceding the next city primary election, together with~~ 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.

SECTION 7. A new Section 26-120 is hereby created and shall read as follows:

Sec. 26-120. State late 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.

SECTION 8. Section 26-142 is hereby amended to read as follows:

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 ~~primary~~ 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.

SECTION 9. Section 26-143 is hereby amended to read as follows:

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

SECTION 10. It is the intention of the City Commission and it is hereby ordained that the provisions of this ordinance shall become and be made a part of the Code of the City of Deerfield Beach, and that the sections of this ordinance may be renumbered to accomplish such intent.

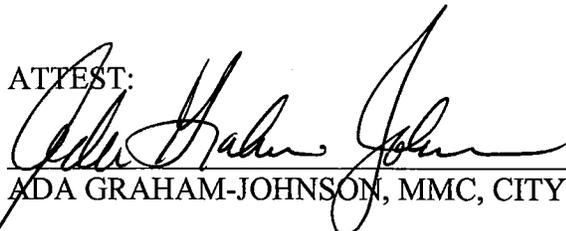
SECTION 11. Should any section or provision of this ordinance or any portion thereof, any paragraph, sentence or word be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the remainder hereof as a whole or part thereof other than the part declared to be invalid.

SECTION 12. This ordinance shall be in full force and effect immediately upon its passage and adoption.

PASSED 1ST READING ON THIS 21st DAY OF September, 2010.

PASSED 2ND READING ON THIS 5th DAY OF October, 2010.

ATTEST:



ADA GRAHAM-JOHNSON, MMC, CITY CLERK



for PEGGY NOLAND, MAYOR

Deerfield/Ordinances/Amend Chapter 26.Elections

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