

**Ordinance No. 090078
0-09-71**

An ordinance of the City of Gainesville, Florida, Chapter 9, Elections; amending Section 9-3 of the Code of Ordinances providing that for purposes of poll worker training, one training is required in a city election; amending 9-14 (a) of the Code of Ordinances providing for amendments to the board of canvassers, composition, powers and duties; providing directions to the Codifier; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

WHEREAS, at least 10 days notice has been given once by publication in a newspaper of general circulation notifying the public of this proposed ordinance and of a Public Hearing in the City Commission Auditorium in City Hall, City of Gainesville; and

WHEREAS, a Public Hearing was held pursuant to the published notice described at which hearing the parties in interest and all others had an opportunity to be and were, in fact, heard;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF GAINESVILLE, FLORIDA:

Section 1. Section 9-3 of the Code of Ordinances of the City of Gainesville is amended to read as follows:

Sec. 9-3. Designation, elections, runoff elections, pollworker training.

(a) Candidates for the commission shall, at the time of qualifying, designate the district seat or at large seat for which they intend to run. The district candidate receiving a majority of the votes cast in a particular district shall be elected. The at large or mayoral candidate receiving a majority of the votes cast within the city at large shall be elected. In the event no candidate receives a majority of the votes cast in a district or the city at large, as applicable, a runoff election shall be held between the two

1 candidates in such district(s) or at large, as applicable, receiving the highest number of
2 votes cast. The candidate receiving the highest number of votes cast in such runoff
3 election shall be elected. In the case of a tie the candidates shall be selected for the
4 runoff election in the same manner as provided by Florida Statutes.

5 (b) For purposes of poll worker training mandated by state law, the regular
6 and runoff elections shall be considered as one election. Therefore, in a city election
7 where there is a runoff election, one training is required.

8 **Section 2.** Subsections (a)(1), (2), (3), (4), (5), and (6) of Section 9-14 of the
9 Code of Ordinances of the City of Gainesville is amended to read as follows:

10 **Sec. 9-14. Board of canvassers; composition; powers and duties.**

11 (a) Composition.

12 (1) The board of canvassers for all elections held for election of city
13 commissioners or mayor and for questions submitted to a vote of the
14 people, except when state law requires the county canvassing board to be
15 used, is as follows: the mayor, the mayor pro tempore, ~~or~~ or a member of
16 the commission, a citizen appointed by the city commission, and the clerk
17 of the commission or designee.

18 (2) If either the mayor, ~~or~~ the mayor pro tempore, or a member of the city
19 commission is: a) unable to serve; b) is a candidate who has opposition
20 in the election to be canvassed, or c) is an active participant in the
21 campaign or candidacy of any candidate who has opposition in the
22 election being canvassed, then the mayor shall appoint another member
23 of the city commission who is qualified and able to city auditor or designee
24 shall replace that member of the board of canvassers.

1 (3) The mayor, the mayor pro tempore, or a member of the city commission or
2 ~~the appointed~~ their replacement of the mayor shall serve as the chair of
3 the board of canvassers.

4 ~~(4) In the event that only one member of the city commission is qualified or~~
5 ~~able to serve on the board of canvassers, the substitute member of the board of~~
6 ~~canvassers shall be a county court judge appointed by the chief judge of the~~
7 ~~circuit. The member of the city commission shall serve as the chair of the board~~
8 ~~of canvassers.~~

9 ~~(5) In the event that no member of the city commission is qualified or able to~~
10 ~~serve on the board of canvassers, the first substitute member of the board of~~
11 ~~canvassers shall be a county court judge appointed by the chief judge of the~~
12 ~~circuit. The second substitute member of the board of canvassers shall be the~~
13 ~~supervisor of elections or designee. The county court judge shall serve as the~~
14 ~~chair of the board of canvassers.~~

15 ~~(6) In the event that a substitute member cannot be appointed as provided~~
16 ~~elsewhere in this section, the chief judge of the circuit shall appoint as a~~
17 ~~substitute member a qualified elector of the city who is not a candidate with~~
18 ~~opposition in the election being canvassed and who is not an active participant in~~
19 ~~the campaign or candidacy of any candidate with opposition in the election being~~
20 ~~canvassed.~~

21 **Section 3.** It is the intention of the City Commission that the provisions of
22 Sections 1 and 2 of the Ordinance shall become and be made a part of the Code of
23 Ordinances of the City of Gainesville, Florida, and that the Sections and Paragraphs of
24 this Ordinance may be renumbered or relettered in order to accomplish such intentions.

1 **Section 4.** If any section, sentence, clause or phrase of this ordinance is held to
2 be invalid or unconstitutional by any court of competent jurisdiction, the said holding
3 shall in no way affect the validity of the remaining portions of this ordinance.

4 **Section 5.** All ordinances, or parts of ordinances, in conflict herewith are to the
5 extent of such conflict hereby repealed.

6 **Section 6.** This ordinance shall take effect immediately upon its adoption.

7 **PASSED AND ADOPTED** this 17th day of December, 2009.

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PEGEEN HANRAHAN
MAYOR

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14 ATTEST: Approved as to form and legality

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KURT M. LANNON
CLERK OF THE COMMISSION

MARION J. RADSON
CITY ATTORNEY

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20 This Ordinance passed on first reading this 3rd day of December, 2009.

21 This Ordinance passed on second reading this 17th day of December, 2009.