



MEMORANDUM

Office of the City Attorney

Legistar No. 020091

Phone: 334-5011/Fax 334-2229
Box 46

SECOND READING

TO: Mayor and City Commission
FROM: Marion J. Radson, City Attorney
SUBJECT: Ordinance No. 0-02-36

DATE: August 26, 2002
~~August 12, 2002~~

FIRST READING

An ordinance of the City of Gainesville, Florida, Chapter 9, Elections; amending Section 9-2 (a) of the Code of Ordinances providing that runoff elections shall be held on the third Tuesday following the first election; amending Section 9-5 of the Code of Ordinances, providing that the proclamation calling the election shall be published once; amending Section 9-8 of the Code of Ordinances, providing for the use of paper ballots in certain annexation elections; providing directions to the Codifier; providing a severability clause; providing a repealing clause; and providing an immediate effective date.


Recommendation: The City Commission adopt the proposed ordinance.

The City Commission, at its meeting of June 24, 2002, authorized the City Attorney's Office to draft and the Clerk of the Commission to advertise an ordinance amending Chapter 9, Elections, of the Code of Ordinances.

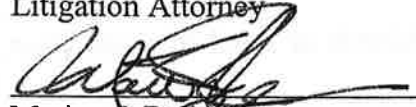
In summary, the City Attorney's Office is seeking approval of the following amendments to Chapter 9:

1. Change from a 2 week to a 3 week turnaround time between regular and runoff elections;
2. Allow paper ballots in annexation elections where the number of registered voters is 500 or less;
3. Change the requirements for publishing proclamation.

Prepared by:


Elizabeth A. Waratuke
Litigation Attorney

Submitted by:


Marion J. Radson
City Attorney

EAW/cgow

h:/EAW/elections/CCOM agenda memo for amendments

PASSED ON FIRST READING BY A VOTE OF 5-0.

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Ordinance No. 0-02-36

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4 **An ordinance of the City of Gainesville, Florida, Chapter**
5 **9, Elections; amending Section 9-2 (a) of the Code of**
6 **Ordinances providing that runoff elections shall be held**
7 **on the third Tuesday following the first election;**
8 **amending Section 9-5 of the Code of Ordinances,**
9 **providing that the proclamation calling the election shall**
10 **be published once; amending Section 9-8 of the Code of**
11 **Ordinances, providing for the use of paper ballots in**
12 **certain annexation elections; providing directions to the**
13 **Codifier; providing a severability clause; providing a**
14 **repealing clause; and providing an immediate effective**
15 **date.**

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

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

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

25 **Section 1.** Subsection (a) of Section 9-2 of the Code of Ordinances of the City
26 of Gainesville is amended to read as follows:

27 **Sec. 9-2. Date of regular elections for city commissioners and mayor.**

28 (a) Regular elections shall be held in March or April of each year, on a date
29 set by the city commission by ordinance, for the election of city commissioners,
30 including the mayor, whose terms of office expire or to fill vacancies that may occur. In
31 the event no candidate receives a majority of the votes cast in an election to fill a

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1 district, mayoral or at large vacancy, a runoff election shall be held on the ~~second~~ third
2 Tuesday following the first election between the two candidates for such district(s),
3 mayoral or at large seat receiving the highest number of votes cast.

4 (b) The clerk of the commission shall recommend a date for the next regular
5 election to the commission at or before the first regular city commission meeting in May
6 of each year. The city commission shall determine the date and direct an ordinance be
7 drafted and advertised setting the election date of the next regular election. This
8 ordinance shall be adopted no later than July 1 of each year.

9 (c) If for any reason the city commission does not adopt an ordinance setting
10 the date of the next regular election by July 1 of any year, the next regular election shall
11 be held on the third Tuesday in March of the following year.

2 (d) When considering the date of the next election, the city commission may
13 consider factors including, but not limited to:

14 (1) The schedules for Spring Break of the Alachua County School
15 Board, Santa Fe Community College and the University of Florida;

16 (2) The transition time between the election and the start of the terms of
17 office of the new commissioners; and

18 (3) The dates of county-wide or state-wide elections occurring at about
19 the same time.

20 **Section 2.** Section 9-5 of the Code of Ordinances of the City of Gainesville is
21 amended to read as follows:

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1 **Section 9-5. Mayor to issue proclamation; contents; publication.**

2 Thirty days prior to any and all elections for mayor or commissioners the mayor
3 shall issue a proclamation calling the election. The proclamation shall specify what
4 officers are to be elected, the length of time the officers are to serve and the time and
5 date of holding the election. Such proclamation shall be published once ~~each week for~~
6 ~~four consecutive weeks~~ in a newspaper of general circulation published in the city.

7 **Section 3:** Section 9-8 of the Code of Ordinances is created to read as follows:

8 **Section 9-8. Reserved. Paper ballots in annexation elections where**
9 **number of registered voters is under 500.**

10 The use of paper ballots, which means that printed sheet containing the
11 proposition submitted to the electorate, on which sheet of paper the elector casts his or
12 her vote, shall be permitted (both for poll and mail in ballot voting) for exclusive use in
13 annexation elections where the number of registered voters in the area to be annexed
14 is 500 or less. The votes shall be tabulated and counted by hand by the board of
15 canvassers.

16 **Section 4.** It is the intention of the City Commission that the provisions of
17 Section 1 through 3 of the Ordinance shall become and be made a part of the Code of
18 Ordinances of the City of Gainesville, Florida, and that the Sections and Paragraphs of
19 this Ordinance may be renumbered or relettered in order to accomplish such intentions.

20 **Section 5.** If any section, sentence, clause or phrase of this ordinance is held to
21 be invalid or unconstitutional by any court of competent jurisdiction, then said holding
22 shall in no way affect the validity of the remaining portions of this ordinance.

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Section 6. All ordinances, or parts of ordinances, in conflict herewith are to the extent of such conflict hereby repealed.

Section 7. This ordinance shall take effect immediately upon its adoption.

PASSED AND ADOPTED this ____ day of August, 2002.

THOMAS D. BUSSING
MAYOR

ATTEST:

Approved as to form and legality

KURT M. LANNON
CLERK OF THE COMMISSION

MARION J. RADSON
CITY ATTORNEY

This Ordinance passed on first reading this ____ day of August, 2002.

This Ordinance passed on second reading this ____ day of August, 2002.

