

Legislative #

160430

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ORDINANCE NO. 160430

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3
4 AN ORDINANCE OF THE CITY OF GAINESVILLE, FLORIDA,
5 AMENDING CHAPTER 9 OF THE CODE OF ORDINANCES
6 RELATING TO ELECTIONS; AMENDING SECTION 9-2 TO
7 PROVIDE THAT RUNOFF ELECTIONS SHALL BE HELD ON
8 THE SIXTH TUESDAY FOLLOWING THE FIRST ELECTION
9 AND TO PROVIDE THAT THE ELECTION ORDINANCE
10 ADOPTED EACH YEAR SHALL PROVIDE THE DATES FOR
11 EARLY VOTING; AMENDING SECTION 9-6.5 AS IT RELATES
12 TO EARLY VOTING; PROVIDING DIRECTIONS TO THE
13 CODIFIER; PROVIDING A SEVERABILITY CLAUSE;
14 PROVIDING A REPEALING CLAUSE; AND PROVIDING AN
15 EFFECTIVE DATE.

16
17 **WHEREAS**, the City Commission at its meeting of October 6, 2016, authorized the
18 City Attorney to draft an ordinance changing sections of the City's Election Code to change
19 the time in between the regular election and the runoff election to six weeks and to amend
20 the early voting provisions for municipal elections; and

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

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

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

29 **Section 1.** Section 9-2 of the Code of Ordinances of the City of Gainesville is

DRAFT

1 amended to read as follows:

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

3 (a) Regular elections shall be held in March or April of each year, on a date set by
4 the city commission by ordinance, for the election of city commissioners,
5 including the mayor, whose terms of office expire or to fill vacancies that may
6 occur. In the event no candidate receives a majority of the votes cast in an
7 election to fill a district, mayoral or at large vacancy, a runoff election shall be
8 held on the ~~fourth~~ sixth Tuesday following the first election between the two
9 candidates for such district(s), mayoral or at large seat receiving the highest
10 number of votes cast.

11 (b) The clerk of the commission shall recommend a date for the next regular election
12 to the commission at or before the first regular city commission meeting in May
13 of each year. The city commission shall determine the date and direct an
14 ordinance be drafted and advertised setting the election date ~~of the next regular~~
15 ~~election~~ and early voting dates for the general election and runoff election if
16 necessary. This ordinance shall be adopted no later than July 1 of each year.

17 (c) If for any reason the city commission does not adopt an ordinance setting the date
18 of the next regular election by July 1 of any year, the next regular election shall
19 be held on the third Tuesday in March of the following year and the early voting
20 dates shall be as provided for in state law.

21 (d) When considering the date of the next election, the city commission may

DRAFT

1 consider factors, including, but not limited to:

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

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

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

8 **Section 2.** Section 9-6.5 of the Code of Ordinances of the City of Gainesville is
9 amended to read as follows:

10 **Sec. 9-6.5. Early voting.**

11 (a) As a convenience to the voter, early voting shall be allowed in municipal general
12 elections that are not held in conjunction with county or state elections. The
13 provisions of this section shall apply only to municipal general elections that are
14 not held in conjunction with county or state elections. Early voting in municipal
15 elections that are held in conjunction with county or state elections shall be
16 governed as provided by state law.

17 (b) This section shall not apply to municipal special elections that are not held in
18 conjunction with county or state elections.

19 (c) Early voting pursuant to this section shall be at such sites as are allowed by state
20 law and designated as early voting sites by the city commission.

21 (d) Early voting for municipal general elections and runoff general elections

DRAFT

1 pursuant to this section shall ~~be begin on the eighth day before the general~~
2 ~~election and end on the second day before the general election. If a runoff~~
3 ~~general election is necessary, early voting pursuant to this section shall begin on~~
4 ~~the eighth day before the runoff general election and end on the second day~~
5 ~~before the runoff general election. Early voting pursuant to this section shall be~~
6 ~~provided for eight hours per weekday and eight hours in the aggregate each~~
7 ~~weekend during the applicable period. The early voting site shall open no sooner~~
8 ~~than 7:00 a.m. and close no later than 7:00 p.m. on each applicable day~~
9 conducted at dates and times set forth in the election ordinance adopted annually
10 by the City Commission, provided that such dates and times are not inconsistent
11 with state law.

12 **Section 3.** If any word, phrase, clause, paragraph, section or provision of this
13 ordinance or the application hereof to any person or circumstance is held invalid or
14 unconstitutional, such finding shall not affect the other provisions or applications of the
15 ordinance which can be given effect without the invalid or unconstitutional provisions or
16 application, and to this end the provisions of this ordinance are declared severable.

DRAFT

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

3 **Section 5.** This ordinance shall become effective immediately upon final adoption;
4 however, it shall apply only to City elections conducted after January 1, 2018.

5 **PASSED AND ADOPTED** this _____ day of November, 2016.
6
7
8

9 _____
10 LAUREN POE
11 MAYOR

12
13 ATTEST:

Approved as to form and legality

14
15
16 _____
17 KURT M. LANNON
18 CLERK OF THE COMMISSION

19 _____
20 NICOLLE M. SHALLEY
21 CITY ATTORNEY

22
23 This Ordinance passed on first reading on _____, 2016.

24
25 This Ordinance passed on second reading _____, 2016.