

**MEMORANDUM****Office of the City Attorney****TO:** Mayor and City Commission**DATE:** September 10, 2001**FROM:** City Attorney**FIRST READING****SUBJECT:** Ordinance No. 0-01-52


**An ordinance of the City of Gainesville, Florida; amending section 9-11 of the Code of Ordinances of the City of Gainesville; clarifying the residency requirements of candidates for district seats; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an immediate effective date.**

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Recommendation: The City Commission adopt the proposed ordinance.

The City Commission, at its meeting of August 27, 2001, authorized the Clerk of the Commission to advertise and the City Attorney to draft the proposed ordinance amending Section 9-11 of the Code of Ordinances.

Prepared and  
submitted by:

  
\_\_\_\_\_  
Marion J. Radson, City Attorney

MJR/afm

Attachment

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ORDINANCE NO. \_\_\_\_\_  
0-01-52

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4 **An ordinance of the City of Gainesville, Florida; amending section 9-11 of**  
5 **the Code of Ordinances of the City of Gainesville; clarifying the residency**  
6 **requirements of candidates for district seats; providing directions to the**  
7 **codifier; providing a severability clause; providing a repealing clause; and**  
8 **providing an immediate effective date.**  
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11 **WHEREAS**, at least 10 days notice has been given by publication in a newspaper of  
12 general circulation notifying the public of this proposed ordinance and of a Public Hearing in the  
13 Auditorium of City Hall in the City of Gainesville; and

14 **WHEREAS**, the Public Hearings were held pursuant to the published notice described at  
15 which hearings the parties in interest and all others had an opportunity to be and were, in fact,  
16 heard;

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

19 **Section 1.** Subsection (c) is created and added to Section 9-11 of Code of Ordinances of  
20 the City of Gainesville to read as follows:

21 **Sec. 9-11 Qualifications of candidates for city commission; campaign finance reports.**

22 (a) Any person who meets the eligibility requirements described in Article II of the  
23 Charter may become a candidate for the office of mayor or city commissioner of the city by filing  
24 the necessary qualifying papers as provided in Florida Statutes with the supervisor, at any time  
25 after noon of the first day for qualifying which shall be the fiftieth day prior to the day of the  
26 election, but not later than noon of the 46<sup>th</sup> day prior to the day of the election. Provided,  
27 however, as a condition precedent to having his/her name printed on the ballot for such election

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1 such person shall pay to the supervisor the election assessment imposed by F.S. § 99.093(1), or  
2 be exempted from such payment of assessment pursuant to the provisions of F.S. § 99.093(2).  
3 Any person who is seeking election as a write-in candidate shall not be required to pay a filing  
4 fee or submit a petition. A write-in candidate shall not be entitled to have his/her name printed  
5 on any ballot; however, space for his/her name to be written in shall be provided on the ballot.  
6 No person may qualify as a write-in candidate if the person has also otherwise qualified for  
7 nomination or election to such office. All write-in candidates must submit their qualifying  
8 paperwork to the supervisor by the end of the qualifying period set out above.

9 (b) Reports of all contributions received, and all expenditures made, as described in F.S.  
10 § 106.07(1)(a), shall be filed on the 32<sup>nd</sup>, 18<sup>th</sup> and fourth days immediately preceding the regular  
11 or special election, and, if a run-off is required, on the fourth day immediately preceding the run-  
12 off election.

13 (c) For purposes of determining the eligibility requirements of Article II of the Charter, a  
14 person who resides in an area that is redistricted into another district (hereinafter the "new  
15 district") shall be deemed to be a resident of the new district if the person resides anywhere  
16 within the area that is placed in the new district for a period of not less than 6 months prior to the  
17 date the person qualifies to run for office.

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

22 **Section 3.** If any section, sentence, clause or phrase of this ordinance is held to be invalid

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1 or unconstitutional by any court of competent jurisdiction, then said holding shall in no way  
2 affect the validity of the remaining portions of this ordinance.

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

5 **Section 5.** This ordinance shall become effective immediately upon final adoption.

6 **PASSED AND ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_, 2001.

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10 \_\_\_\_\_  
11 Thomas D. Bussing, Mayor

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13 ATTEST: Approved as to form and legality

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17 \_\_\_\_\_  
18 Kurt M. Lannon  
Clerk of the Commission

\_\_\_\_\_   
Marion J. Radson  
City Attorney

19 This Ordinance passed on first reading this \_\_\_\_\_ day of \_\_\_\_\_, 2001.

20 This Ordinance passed on second reading this \_\_\_\_\_ day of \_\_\_\_\_, 2001.

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h:mjr:elections/elections eligibility Ord2.doc