



# MEMORANDUM

Office of the City Attorney

Registrar No.: 050373

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

FIRST READING

**TO:** Mayor and Commissioners

**FROM:** Marion J. Radson, City Attorney

**SUBJECT:** **ORDINANCE NO.: 0-05-98**  
**EARLY VOTING**

**DATE:** October 24, 2005

An ordinance of the City of Gainesville amending Chapter 9 Elections by amending Sections 9-5 and creating Section 9-6.5 by providing early voting in municipal elections; 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.

On September 12, 2005, the City Commission authorized the City Attorney to draft, and the Clerk of the Commission to advertise an ordinance that would provide early voting for regular elections.

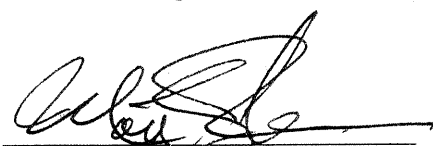
Florida Law requires early voting be made available in State elections, which consist of primary elections, special primary elections, special elections, general elections, and presidential preference primary elections. Municipal elections are not included in the list of elections for which early voting is mandatory. Recently, the legislature provided that "municipalities may provide early voting in municipal elections that are not held in conjunction with county or state elections". It is up to the individual municipalities to decide whether they will provide for early voting and for what period of time.

This ordinance will provide early voting for regular elections. The elections will last for a period of seven days before the first election and for seven days before the runoff election, if one is held. Early voting will be conducted only at the Office of the Supervisor of Elections.

Prepared by:

  
Daniel M. Nee  
Assistant Litigation Attorney

Approved and  
Submitted by:

  
Marion J. Radson  
City Attorney

DMN/MJR/bs

ORDINANCE \_\_\_\_\_  
0-05-98

An ordinance of the City of Gainesville amending Chapter 9 Elections by amending Sections 9-5 and creating Section 9-6.5 by providing early voting in municipal elections; 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.** Chapter 9, Section 9-5 of the Code of Ordinances of the City of Gainesville is amended to read as follows:

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

Thirty days prior to any and all elections for mayor or commissioners the mayor shall issue a proclamation calling the election. The proclamation shall specify what officers are to be elected, the length of time the officers are to serve and the time and date of holding the election, including any provision for early voting as allowed in this Chapter. Such proclamation shall be published once in a newspaper of general circulation published in the city.

**Section 2.** Chapter 9, Section 9-6.5 of the Code of Ordinances of the City of Gainesville is created to read as follows:

1 **Sec. 9-6.5. Early Voting.**

2 (a) As a convenience to the voter, early voting shall be allowed in municipal general  
3 elections that are not held in conjunction with county or state elections. The provisions of this  
4 section shall apply only to municipal general elections that are not held in conjunction with  
5 county or state elections. Early voting in municipal elections that are held in conjunction with  
6 county or state elections shall be governed as provided by state law.

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

9 (c) The early voting site for early voting pursuant to this section shall be the main office  
10 of the supervisor of elections of Alachua County, Florida, and the supervisor shall designate an  
11 early voting area.

12 (d) Early voting pursuant to this section shall begin on the 8th day before the general  
13 election and end on the 2nd day before the general election. If a runoff general election is  
14 necessary, early voting pursuant to this section shall begin on the 8th day before the runoff  
15 general election and end on the 2nd day before the runoff general election. Early voting pursuant  
16 to this section shall be provided for 8 hours per weekday and 8 hours in the aggregate each  
17 weekend during the applicable period. The early voting site shall open no sooner than 7 a.m. and  
18 close no later than 7 p.m. on each applicable day.

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



**RE-ADVERTISEMENT  
CORRECTIVE NOTICE OF  
PROPOSED ENACTMENT  
OF ORDINANCE  
BY CITY COMMISSION,  
GAINESVILLE, FLORIDA**

Notice is hereby given that the proposed ordinances, whose titles appear below will be considered for First Reading on the 24th day of October, 2005, at the City Commission meeting and if then adopted on First Reading will be considered for Second and Final Reading and adoption on the 14th day of November, 2005, at the City Commission meeting. The meetings begin at 6:00p.m. and the ordinances will be read as soon thereafter as may be heard. The meetings are held in the City Commission Auditorium, on the First Floor of City Hall, 200 East University Avenue, Gainesville, Florida. A copy of said ordinance may be inspected by any member of the public at the office of the Clerk of the Commission on the First Floor of City Hall during regular business hours located at 200 East University Avenue, Gainesville, Florida, and at the Public Library, Main Branch, located at 401 East University Avenue. On the dates mentioned above all interested parties may appear at the meeting and be heard with respect to the proposed ordinance. Persons with disabilities, who require assistance to participate in the meetings, are requested to notify the Equal Opportunity Office at 334-5051 or call the TDD phone line at least 2 business days in advance.

**ORDINANCE TITLE**

**ORDINANCE NO. 050373**

An ordinance of the City of Gainesville amending Chapter 9 Elections by amending Sections 9-5 and creating Section 9-6.5 by providing early voting in municipal elections; providing directions to the codifier; providing a severability clause; providing a repealing clause and providing an immediate effective date.

**ORDINANCE NO. 050228**

An ordinance of the City of Gainesville repealing Section 21-10, relating to use of television surveillance equipment in investigation and detection of crime; and providing an immediate effective date.

Note: "All persons are advised that, if any person decides to appeal any decision made at any of these meetings, they will need a record of the proceedings and, for such purpose, they need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based."

October 18, 2005  
Publish Date

Kurt M. Lannon  
Clerk of the Commission

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