

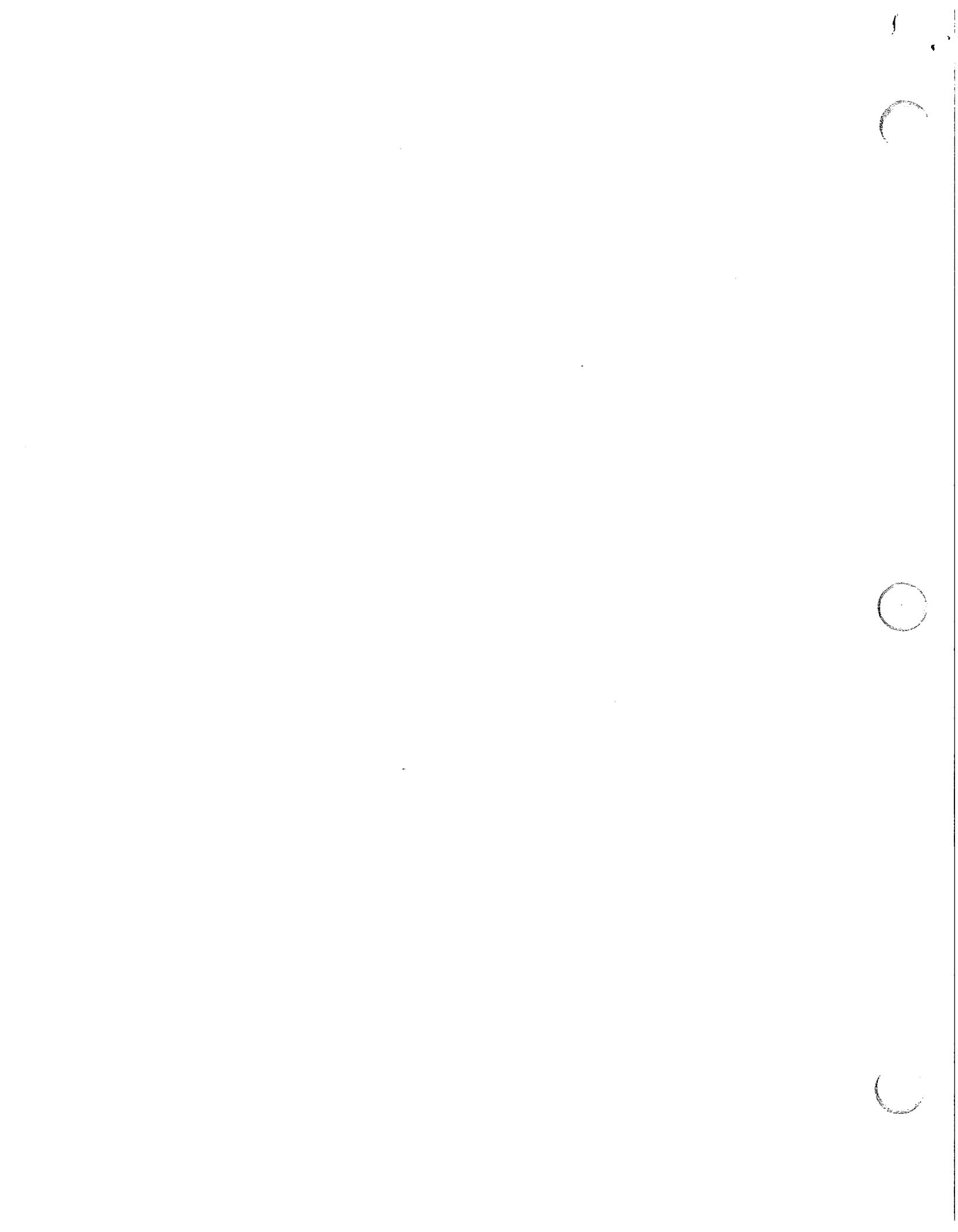
Chapter 9

ELECTIONS*

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*Cross reference—Administration, Ch. 2.

State law reference—Electors and elections, F.S. Ch. 97 et seq.



Sec. 9-1. Applicability of general laws of state to city elections.

The general law of the state on the subject of elections shall apply to and govern all city elections insofar as there is no conflict with the provisions of this chapter or the provisions of the Charter of the city.
(Code 1960, § 11-17)

Sec. 9-1.1. Election districts.

(a) In accordance with section 2.02 of the Charter of the city, the following election districts are hereby established for the purpose of representation upon and election of four members to the city commission:

District No. 1

District No. 1 shall be comprised of the following precincts: Precinct Nos. 13, 16, 19, 25, 28, 29, 33 and 55.

District No. 2

District No. 2 shall be comprised of the following precincts: Precinct Nos. 12, 17, 21, 37, 38, 45, 57, 58, 61 and 64.

District No. 3

District No. 3 shall be comprised of the following precincts: Precinct Nos. 4, 24, 26, 32, 40, 44, 48 and 54.

District No. 4

District No. 4 shall be comprised of the following precincts: Precinct Nos. 5, 7, 23, 27, 31 and 59.

A map identifying the election districts is attached to the ordinance as Exhibit A for illustrative purposes only and is on file in the office of the clerk of the commission.

(b) As used in this section, the term "precincts" means the county election precincts of Alachua County, Florida, as established by the board of county commissioners and approved by the supervisor of elections. The boundaries of said precincts are the boundaries as they exist on the effective date of the ordinance from which this section

derives or any amendatory ordinance, but only to the extent that they are located within the corporate limits of the city.

(Ord. No. 3346, § 1, 7-13-87; Ord. No. 3588, § 1, 1-8-90; Ord. No. 3637, § 1, 7-16-90; Ord. No. 3708, § 1, 4-1-91; Ord. No. 3801, § 1, 12-7-92; Ord. No. 3921, § 1, 12-20-93; Ord. No. 4041, § 1, 11-14-94; Ord. No. 950799, § 1, 10-23-95; Ord. No. 960216, § 1, 10-14-96; Ord. No. 960718, § 1, 2-10-97; Ord. No. 980736, § 1, 1-11-99; Ord. No. 001723, § 1, 9-24-01; Ord. No. 020353, § 1, 9-23-02; Ord. No. 020628, § 1, 12-9-02; Ord. No. 070640, § 1, 12-10-07)

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

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

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

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

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

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

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

(3) The dates of county-wide or state-wide elections occurring at about the same time. (Code 1960, § 11-1; Ord. No. 3310, § 2, 12-15-86; Ord. No. 3349, § 1, 8-10-87; Ord. No. 3893, § 1, 7-26-93; Ord. No. 951175, § 1, 3-25-96; Ord. No. 980068, § 1, 6-22-98; Ord. No. 980736, § 1, 1-11-99; Ord. No. 020091, § 1, 8-26-02; Ord. No. 061129, § 1, 6-11-07)

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

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

(Ord. No. 3349, § 5, 8-10-87; Ord. No. 980736, § 1, 1-11-99)

Editor's note—Ord. No. 3349, § 5, adopted Aug. 10, 1987, repealed and reenacted § 11-15 of the 1960 Code, codified as § 9-3 hereof, to read as herein set out. The former provisions concerned grouping of candidates and runoff election.

Sec. 9-4. Special elections required; proclamation.

(a) Special elections shall be held in the following cases:

(1) When there has been no choice of any city commissioner or the mayor who should have been elected at a regular or special election;

(2) When a vacancy exists in any office due to resignation, death or otherwise. If any vacancy shall occur less than three months before a regular election, it shall be within the discretion of the city commission to call a special election.

(3) When the city commission determines in its sole discretion to submit any question affecting the interest of the city to a vote of the qualified electors of the city.

(b) The special election shall be ordered by the city commission by resolution instructing the mayor to issue a proclamation calling the election in the same manner and form as provided for in the case of regular elections.

(Code 1960, § 11-2; Ord. No. 980736, § 1, 1-11-99)

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

At least, 30 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.

(Code 1960, § 11-3; Ord. No. 3301, § 1, 11-17-86; Ord. No. 980128, § 7, 7-27-98; Ord. No. 980736, § 1, 1-11-99; Ord. No. 020091, § 2, 8-26-02; Ord. No. 040796, § 1, 7-1-05; Ord. No. 050373, § 1, 11-14-05)

Sec. 9-6. Registration and qualifying officer designated; registration books to be kept; contents.

The supervisor of elections of Alachua County, Florida, hereinafter referred to as "supervisor," is hereby designated as the registration and qualifying officer for the city. The supervisor shall maintain the registration records of city electors as provided in the general law of the state. The supervisor is also designated as the official in charge of all administrative duties pertaining to city elections. The city shall reimburse the super-

visor, in accordance with the agreement between the city and the supervisor, for the cost of conducting the elections.

(Ord. No. 3301, § 3, 11-17-86)

Editor's note—Ord. No. 3301, § 2, adopted Nov. 17, 1986, repealed § 11-3.1 of the 1960 Code, from which § 9-6 derived. Section 3 of Ord. No. 3301, amending § 11-5 of the 1960 Code, has been included as a new § 9-6 at the discretion of the editor.

State law reference—Registration officers, F.S. § 98.041 et seq.

Sec. 9-6.5. Early voting.

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

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

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

(d) Early voting pursuant to this section shall begin on the eighth day before the general election and end on the second day before the general election. If a runoff general election is necessary, early voting pursuant to this section shall begin on the eighth day before the runoff general election and end on the second day before the runoff general election. Early voting pursuant to this section shall be provided for eight hours per weekday and eight hours in the aggregate each weekend during the applicable period. The early voting site shall open no sooner than 7:00 a.m. and close no later than 7:00 p.m. on each applicable day.

(Ord. No. 050373, § 2, 11-14-05)

Sec. 9-7. Appointment of inspectors and clerks; opening and closing polls; substitute inspectors and clerks; qualifications.

The supervisor shall appoint the necessary clerks and inspectors for the conduct of the elec-

tion. The clerks and inspectors shall have the rights, duties and responsibilities provided in F.S. Ch. 102.

(Code 1960, § 11-8; Ord. No. 3301, § 4, 11-17-86; Ord. No. 980736, § 1, 1-11-99)

State law reference—Opening and closing of polls, F.S. § 100.011.

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

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

(Ord. No. 020091, § 3, 8-26-02)

Editor's note—Prior to the reenactment of § 9-8 by Ord. No. 020091, Ord. No. 980736, § 1, adopted Jan. 11, 1999, repealed § 9-8 which pertained to oath of inspectors and clerks and derived from Code 1960, § 11-11 and Ord. No. 3301, § 6, adopted Nov. 17, 1986.

Sec. 9-9. Reserved.

Editor's note—Ord. No. 980736, § 1, adopted Jan. 11, 1999, repealed § 9-9 which pertained to clerks to be chairpersons of election boards and decision of majority to decide questions, and derived from Code 1960, § 11-12.

Sec. 9-10. Qualifications of candidates for city commission.

(a) Any person who meets the eligibility requirements described in Article II of the Charter may become a candidate for the office of mayor or city commissioner of the city by filing the necessary qualifying papers as provided in Florida Statutes with the supervisor, at any time after noon of the first day for qualifying which shall be the fiftieth day prior to the day of the election, but not later than noon of the 46th day prior to the day of the election. Provided, however, as a condition precedent to having his/her name printed on the ballot for such election such person shall pay to the supervisor the election assessment imposed by F.S. § 99.093(1), or be exempted from such payment of assessment pursuant to the

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

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

(Code 1960, § 11-9; Ord. No. 3301, § 5, 11-17-86; Ord. No. 3310, § 3, 12-15-86; Ord. No. 3319, § 1, 2-2-87; Ord. No. 3349, § 2, 8-10-87; Ord. No. 3688, § 1, 1-7-91; Ord. No. 3924, § 1, 1-10-94; Ord. No. 980736, § 1, 1-11-99; Ord. No. 001788, § 1, 9-24-01; Ord. No. 020746, § 1, 2-10-03; Ord. No. 040796, § 2, 7-1-05)

Sec. 9-11. Campaign contribution limitations; campaign finance reports.

(a) Candidates shall not accept campaign contributions made by persons as defined in F.S. § 106.011, political committees, and committees of continuous existence in an amount exceeding \$250.00 per election. For purposes of this section, a runoff election is considered a separate election. This limitation does not apply to contributions from political parties.

(b) Reports of all contributions received, and all expenditures made by:

- (1) A candidate; or
- (2) A political committee, as that term is defined in F.S. ch. 106, that has made contributions or expenditures to influence the results of a city election, shall be filed on the 32nd, 18th and fourth days immediately preceding the regular or special

election, and, if a run-off is required, on the fourth day immediately preceding the run-off election.

(Ord. No. 040796, § 3, 7-11-05)

Sec. 9-12. Ballots; contents.

The names of all qualified candidates for election to the city commission, except for write-in candidates, shall be placed upon the ballot as a candidate for a particular district, or at large, as the case may be. However, when there is only one qualified candidate for an office, the name of the candidate shall not be printed on the election ballot, and such candidate shall be deemed to have voted for himself/herself and be declared elected to the office. Each district, mayoral or at large seat shall be clearly separated and the candidates' names for each office shall be listed in alphabetical order according to surnames; provided, no person's name shall be printed on the ballot if that person notifies the supervisor not less than 42 days prior to the election that he/she will not accept the nomination. The supervisor of elections may use discretion and allow a candidate to withdraw after the 42nd day before an election upon receipt of written notice, sworn under oath, that the candidate will not accept the nomination or office for which he/she qualified.

(Code 1960, § 11-10; Ord. No. 3319, § 2, 2-2-87; Ord. No. 3349, § 3, 8-10-87; Ord. No. 3520, § 1, 2-20-89; Ord. No. 980736, § 1, 1-11-99)

Sec. 9-13. Qualifications of electors.

Electors in the city shall have the qualifications as set forth in F.S. §§ 97.041 and 166.032.

(Code 1960, §§ 11-4—11-4.2)

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

(a) *Composition.*

- (1) The board of canvassers for all elections held for election of city commissioners or mayor and for questions submitted to a vote of the people, except when state law requires the county canvassing board to be used, is as follows: the mayor, the

mayor pro tempore of the city commission, and the clerk of the commission or designee.

- (2) If the mayor or mayor pro tempore is unable to serve, is a candidate who has opposition in the election to be canvassed, or is an active participant in the campaign or candidacy of any candidate who has opposition in the election being canvassed, the mayor shall appoint another member of the city commission who is qualified and able to replace that member of the board of canvassers.
- (3) The mayor or the appointed replacement of the mayor shall serve as the chair of the board of canvassers.
- (4) In the event that only one member of the city commission is qualified or able to serve on the board of canvassers, the substitute member of the board of canvassers shall be a county court judge appointed by the chief judge of the circuit. The member of the city commission shall serve as the chair of the board of canvassers.
- (5) In the event that no member of the city commission is qualified or able to serve on the board of canvassers, the first substitute member of the board of canvassers shall be a county court judge appointed by the chief judge of the circuit. The second substitute member of the board of canvassers shall be the supervisor of elections or designee. The county court judge shall serve as the chair of the board of canvassers.
- (6) In the event that a substitute member cannot be appointed as provided else-



where in this section, the chief judge of the circuit shall appoint as a substitute member a qualified elector of the city who is not a candidate with opposition in the election being canvassed and who is not an active participant in the campaign or candidacy of any candidate with opposition in the election being canvassed.

(b) *Powers and duties.* The board may begin the canvassing of absentee ballots at or after 7:00 a.m. on the fourth day before the election, but shall begin not later than noon on the day following the election; however, the counting of votes on absentee ballots shall begin no earlier than 7:00 p.m. on the day of the election. In addition, whenever electronic tabulating equipment is used, the processing of absentee ballots through such tabulating equipment may begin upon the opening of the polls on election day. However, notwithstanding any such authorization to begin canvassing or otherwise processing absentee ballots early, no result or tabulation of absentee ballots shall be made until after the close of the polls on election day. The board shall canvass the election returns of the inspectors and clerks of the election and the absent electors' ballots to declare the result of the election. In the event it may be necessary in order to come to a proper decision, the board shall have the power to examine witnesses and to take testimony.

(Code 1960, § 11-14; Ord. No. 3301, § 7, 11-17-86; Ord. No. 3349, § 4, 8-10-87; Ord. No. 4063, § 1, 2-13-95; Ord. No. 960834, § 1, 4-14-97; Ord. No. 980736, § 1, 1-11-99; Ord. No. 030596, § 1, 12-8-03; Ord. No. 030978, § 1, 3-18-04)

Sec. 9-14.1. Certificate of result.

The supervisor shall certify the total number of voted ballots to the board of canvassers on a composite form of certificate to be used by the board of canvassers which shall provide for the entry of the number of votes for each candidate and upon each question cast at the several polling places in the city, and for the entry of the number of votes for each candidate or upon each question cast by absentee voters' ballots, and for the total number of votes cast for each candidate or upon each question. Such certificate shall be signed in duplicate by each member of the board of canvass-

ers present at the time the canvass of the election was made; one copy of such certificate shall be incorporated in the minutes of the next regular meeting of the city commission following the canvass of the election and the other copy of the certificate shall be publicly posted at the city hall. (Ord. No. 3301, § 8, 11-17-86)

Editor's note—Ord. No. 3301, § 8, adopted Nov. 17, 1986, amending § 11-35 of the 1960 Code, has been included herein as § 9-14.1 at the discretion of the editor.

Sec. 9-15. Reserved.

Editor's note—Ord. No. 980736, § 1, adopted Jan. 11, 1999, repealed § 9-15 which pertained to violations and derived from Code 1960, § 11-18.

Sec. 9-16. Submission of petition proposing Charter amendments to supervisor of elections.

(a) Any petition form proposing an amendment to the Charter of the City of Gainesville shall be submitted to the supervisor of elections for approval as to format prior to the petition being circulated for signatures. Such submission shall be in writing and shall include a copy or a facsimile of the petition form proposed to be circulated. The supervisor of elections shall review the form as to the sufficiency of the format only and render a decision. No review of the legal sufficiency of the text of the proposed charter amendment is to be undertaken by the supervisor of elections.

(b) The petition drive shall start on the date of approval by the supervisor of elections of the form of the petition and shall terminate 90 days after that date, not counting the date of the approval. In the event sufficient signatures are not acquired during that 90-day period, the petition initiative shall be rendered null and void and none of the signatures may be carried over to another petition.

(Ord. No. 3969, § 1, 4-11-94; Ord. No. 980736, § 1, 1-11-99)

Sec. 9-17. Petition format.

(a) A petition proposing a charter amendment shall be circulated for signatures only if the format of the petition is deemed sufficient by the supervisor of elections. To be sufficient, the peti-

tion form must be printed on separate cards or individual sheets of paper. The minimum size of such forms shall be 3" x 5", and the maximum size shall be 8½" x 11", as measured at the outer boundary of the form. Additional material may be attached; however, when detached, the petition must be consistent with the dimensions and content of the form approved by the supervisor of elections. Each form shall contain space for only one elector's signature. Forms providing for multiple signatures shall not be approved by the supervisor of elections.

(b) The top of the petition form shall be clearly and conspicuously entitled "Charter Amendment Petition Form" followed by "I, the undersigned, a registered voter of the City of Gainesville, hereby petition pursuant to Section 5.01 of the Charter of the City of Gainesville and Chapter 9 of the City of Gainesville Code of Ordinances, to have the following proposed amendment to the Charter of the City of Gainesville submitted to a vote of the electors at a regular city election, a state-wide general election, or at a special election called by the City Commission for the City of Gainesville for that purpose." The petition form shall conspicuously contain the full text of the amendment being proposed which shall be presented in a legislative strike through (delete)/underline (addition) format. Should the text be required to be printed on both sides of the form, it shall clearly indicate that the text is continued or begins on the other side. The petition form shall conclude with adequate space for the signer's printed name, residence street address, city, precinct number, date signed, and signature. Additional materials supporting the proposed amendment, or providing a method by which the petition form may be returned by mail to the sponsors, may be attached to the form. The supervisor of elections shall not review the content of such material.

(c) Each form shall be deemed a political advertisement as defined in F.S. § 106.011(17), and must contain the information required by F.S. § 106.143.

(d) Petition forms may be reproduced in newspapers, magazines, and other forms of printed mass media, provided such forms are reproduced in the same dimensions and format as approved

by the supervisor of elections. The petition forms may be included within a larger advertisement, provided the forms are clearly defined by a solid- or broken-line border of the approved dimensions and format. Forms included within a larger advertisement must be removed from the larger advertisement prior to being submitted to the supervisor of elections for signature verification and counting.

(e) Any change in a previously approved petition form, or additional types of petition forms for the same proposed amendment, shall be submitted to the supervisor of elections for approval in advance of circulation, in accordance with this section.

(Ord. No. 3969, § 2, 4-11-94; Ord. No. 980736, § 1, 1-11-99)

Sec. 9-18. Verification of signatures on petition.

The person or organization sponsoring the petition shall submit signed and dated petition forms on or before the expiration of the 90-day period, and upon submission pay all fees as required by F.S. § 99.097. The supervisor of elections shall verify the signatures on the submitted approved petition forms in accordance with the provisions of F.S. § 99.097 to determine whether or not ten percent of the registered voters of the city as of the last preceding municipal regular election have petitioned for an amendment to the city charter. The supervisor of elections shall within 45 days of submission (not including the day of submittal) verify the signatures thereon and certify to the city commission whether or not the requisite number of signatures has been verified. If the supervisor of elections certifies that the requisite number of signatures were verified, the city commission shall place the proposed amendment on the ballot of either the next state-wide general election, as defined in F.S. § 100.131, or the next City of Gainesville regular election, whichever first occurs on or after 135 days from the day all the petition forms were submitted to the supervisor of elections (not counting the day of the submittal). Alternatively, the city commission may at its discretion place the proposed amendment before the electors at a special election called for the purpose. This special election

shall not be held earlier than 90 days following the date of the supervisor's certification, not counting the date of the certification.

(Ord. No. 3969, § 3, 4-11-94; Ord. No. 960153, § 1, 10-28-96)

