

# MEMORANDUM

Office of the City Attorney

Legistar No.: 050373

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

SECOND READING

~~FIRST READING~~

DATE: NOVEMBER 14, 2005

TO: Mayor and Commissioners  
FROM: Marion J. Radson, City Attorney

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


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.

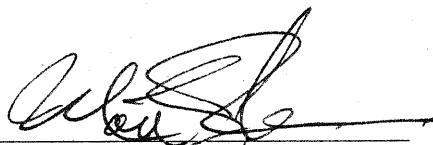
**RECOMMENDATION:** The City Commission adopt the proposed ordinance.

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

PASSED ON FIRST READING BY A VOTE OF 7-0.

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.

1 **Section 4.** If any section, sentence, clause or phrase of this ordinance is held to be invalid or  
2 unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect the  
3 validity of the remaining portions of this ordinance.

4 **Section 5.** All ordinances, or parts of ordinances, in conflict herewith are to the extent of  
5 such conflict hereby repealed.

6 **Section 6.** This ordinance shall become effective immediately on adoption.

7 **PASSED AND ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_, 2005.

8  
9 \_\_\_\_\_  
10 PEGEEN HANRAHAN  
11 MAYOR  
12

13 ATTEST

APPROVED AS TO FORM AND LEGALITY

14  
15  
16 \_\_\_\_\_  
17 KURT M. LANNON  
18 CLERK OF THE COMMISSION  
19

\_\_\_\_\_   
MARION J. RADSON  
CITY ATTORNEY

20 This Ordinance passed on first reading this \_\_\_\_\_ day of \_\_\_\_\_, 2005.

21 This Ordinance passed on second reading this \_\_\_\_\_ day of \_\_\_\_\_, 2005.