

	<h2 style="margin: 0;">City Council</h2> <h3 style="margin: 0;">Agenda Form</h3> <hr style="width: 100%; border: 0; border-top: 1px solid black; margin: 5px 0;"/> Meeting Date: <u>11/13/2023</u> Department: <u>City Attorney</u> Public Hearing: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	For Clerk's Use Only AGENDA ITEM # <table border="1" style="width: 100%; border-collapse: collapse; margin-top: 10px;"> <tr> <td style="width: 33%;"></td> <td style="width: 33%; text-align: center;">XXXX</td> <td style="width: 33%;"></td> </tr> <tr> <td style="text-align: center;"><i>Consent Agenda</i></td> <td style="text-align: center;"><i>Regular Agenda</i></td> <td style="text-align: center;"><i>Closed Session</i></td> </tr> </table>		XXXX		<i>Consent Agenda</i>	<i>Regular Agenda</i>	<i>Closed Session</i>
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Presenter: City Attorney, Clay Adkinson

Request Type: Informational Discussion Action Item

Does this item require legal review? Yes No **City Attorney E-Mail attached?** Yes No

Time Required for Request: 10 Minutes

Agenda Item Title: Elections Ordinance

Attachment(s): Draft Ordinance

Brief Summary:
Ordinance has been reviewed by the Code and Land Use Review Committee and recommended to the City Council.

Action Requested:
Approval of First Reading of Elections Ordinance

Issue Overview:
Background Information & Issue Summary:

Financial Impacts:

Staff Recommendations/Comments:

ORDINANCE NO. 958

AN ORDINANCE AMENDING, IN PART, AND REPEALING, IN PART, ORDINANCES NUMBERS 75, 378, 380, 424, 425, 508, 571, 573, 587, 614, 653, 743, 766, AND 806, THEREBY AMENDING AND REPLACING CHAPTER 7, OF THE DEFUNIAK SPRINGS, FLORIDA MUNICIPAL CODE, ENTITLED “ELECTIONS” IN ITS ENTIRETY, PROVIDING FOR CONFLICTS, SEVERABILITY, AND AN EFFECTIVE DATE.

WHEREAS, the City Council appointed a Code and Land Use Review Committee, tasked with reviewing and updating the City’s Municipal Code, and;

WHEREAS, at a public noticed meeting of said Committee, said Committee did review and consider Chapter 7 of the Municipal Code and the Ordinances related thereto, and;

WHEREAS, as part of said review and consideration, the Committee reviewed the adopted Charter of the City of DeFuniak Springs, and the provisions therein that supersede and govern conduct of elections within the City, and accordingly amendment of Chapter 7 is necessary to bring the Municipal Code up to date, and;

WHEREAS, that Committee unanimously approved the recommended changes to Chapter 7, “Elections”, of the Municipal Code as being in the best interest of the public and the City,

NOW THEREFORE, be it ordained by the City Council of the City of DeFuniak Springs, Florida, that Chapter 7 of the DeFuniak Springs, Florida Municipal Code, entitled “Elections” shall be amended and replaced in its entirety, and the same shall henceforth read as follows:

Sec. 7-1. – Notice of Elections, regular and special.

Any election of the City, held for any purpose, shall be noticed by posting notices of the date, place and object of the election in three (3) public places in the City at least ten (10) days prior to the date of such election.

Sec. 7-2. - Qualifying Fee and Election Assessment.

(a) The qualifying fee for any elected office of the City shall be set as three percent (3%) of the annual salary of the office for which a candidate seeks to qualify.

(b) An election assessment for any elected office of the City shall be set as one percent (1%) of the annual salary of the office for which a candidate seeks to qualify. The election assessment shall be set aside by the City to cover costs of operating the election for which the assessment was paid, and if any surplusage thereafter exists, shall be retained by the City for the cost of any and all future elections.

(c) All candidates shall pay both the qualifying fee and election assessment, unless said candidate qualifies through petition as set forth in the City Charter.

Sec. 7-3. - Votes required to be elected, no run-off elections required, exceptions for tie elections.

(a) A candidate shall be elected to a city office upon receiving the highest number of votes cast among all candidates for his office at the election. A majority of votes cast shall need not be obtained.

(b) No run-off elections shall be required nor held.

(c) All laws and regulations not in conflict with this section which relate to elections procedures to be followed on a regular or special election day shall also apply to any run-off elections.

Sec. 7-4. - Absentee and Early Voting—Generally.

(a) All absentee voting shall be conducted in accordance with the Florida Statutes governing absentee voting.

(b) No early voting shall occur.

(c) All duties delegated by the Florida Statutes to the county supervisor of elections incident to absentee voting are hereby delegated to the city clerk for the purpose of conducting city elections.

Sec. 7-5. – Absentee Voting, Same—Disabled persons.

(a) From and after the effective date of this section, all persons who are duly qualified and registered to vote in city elections but who are physically disabled and, therefore, unable to attend the polls shall be allowed to cast their vote at a place other than the polls upon execution of an affidavit to that effect as provided by the city clerk. All votes cast pursuant to this section must be returned to city hall by the time the polls close on election day in order to be eligible to be canvassed with the other votes cast in that election and said votes shall be taken in the same manner as prescribed for absentee voting.

(b) Said voting shall take place only during the normal office hours of the city clerk and within the city limits.

(c) Said voting shall be canvassed with the other absentee ballots.

Sec. 7-6. - Conduct of Elections, generally.

All city elections shall be conducted under the management and supervision of the City Clerk. The City Clerk shall ascribe to an oath that he or she will faithfully and impartially discharge the duties and endeavor to prevent fraud in the holding of the election. Upon the closing of the polls, the City Clerk shall obtain the returns from the voting machines and secure them together with the checklist and all papers used in the conduct of the election.

The City Clerk shall be permitted, upon approval of a contract by the City Council, to engage the services of the County Supervisor of Elections to assist in the fulfillment of any and all duties and responsibilities associated with the elections of the City.

Sec. 7-7. - Counting and canvass of votes.

(a) The city canvassing board shall be composed of the members of the city council and the mayor. In the event any member of the board is unable to serve, is a candidate who has opposition in the election being canvassed, or is an active participant in the campaign or candidacy of any candidate who has opposition in the election being canvassed and a quorum cannot be met without such member, such member shall be replaced by the city council as follows: (1) City Clerk, City Marshal, and City manager may be appointed as a member of the canvassing board; (2) Should those persons listed in (1) be unable to serve, the council shall appoint a registered voter from the city that would not be disqualified for any of the above reasons. In this subsection a quorum shall consist of three (3) members.

(b) At the close of the polls, or as soon thereafter as practicable, but not later than noon on the day following any city election, the city canvassing board shall meet in the city hall and publicly canvass the absentee electors ballots in a similar manner as the one described in Florida Statute §101.68. As soon as the absentee electors' ballots are canvassed, the board shall proceed to publicly canvass the vote given each candidate, or other measure submitted to the electorate of the city, as shown by the returns on file in the office of the city clerk. Should the board not meet within the prescribed time the inspectors and clerks conducting the election shall notify the chief judicial officer of the county and shall appoint an alternate board.

(c) The canvass, except the canvass of the absentee electors' returns, shall be made from the returns and certificates of the inspectors as signed and filed by them with the city clerk, and the canvassing board shall not change the number of votes cast for a candidate or other measure, as shown by the returns. If the returns from any precinct are missing, if there are any omissions on the returns from any precinct, or if there is an obvious error on any such returns, the canvassing board shall order a recount of the returns from such precinct. Before canvassing such returns, the canvassing board shall cause the counters on the machines to be examined or the tabulation of the ballots cast in such precinct to be examined and determine whether the returns correctly reflect the votes cast.

Sec. 7-8. - City canvassing board to certify election.

The city canvassing board upon completion of their canvassing shall make and sign a certificate containing the total number of votes cast for each person or

issue placed on the ballot. This certificate shall be filed with the city clerk and a copy shall be shown in the minutes of the city.

Conflicts and Severability. Each separate provision of this ordinance is deemed independent of all other provisions herein so that if any portion or provision of this ordinance is declared invalid, all other provisions thereof shall remain valid and enforceable. Any provision herein that is deemed in conflict with any other law shall be deemed severed and stricken without invalidating the Ordinance as a whole.

This Ordinance shall become effective upon adoption.

Adopted this _____ day of _____, 2023.

Mayor

ATTEST:

By: _____