

ORDINANCE NO. O2011-04

AN ORDINANCE OF THE CITY OF WILDWOOD, FLORIDA;
AMENDING SECTIONS 2-31, 2-32, 2-33, 2-34 AND 2-35 OF THE
CITY OF WILDWOOD CODE OF ORDINANCES; PROVIDING
FOR ELECTIONS PROCEDURES; PROVIDING FOR
CONFLICT; AND PROVIDING FOR AN EFFECTIVE DATE.

Be it ordained by the City Commission of the City of Wildwood, Florida:

SECTION 1. Section 2-31, of the City of Wildwood Code is hereby amended as follows
[cross-throughs (-) indicate deletions and underlines () indicate additions]:

Sec. 2-31. Election procedures.

(a) In all elections where the City Commission has authorized the Supervisor of Elections to provide for qualifying of candidates and conduct of elections, the City shall follow the Supervisor of Elections' procedure.

(b) If the City Commission has not authorized the Supervisor of Elections to provide for qualifying of candidates and conduct of the election, in addition to whatever requirements are contained in the city Charter, the following shall apply to all city elections:

(a1) *Applicability of state election laws; exceptions.* The city hereby adopts all general laws of the state relating to elections and to the registration of persons qualified to vote therein by reference with such revisions and modifications and exceptions as are set out in the following subsections pursuant to authority delegated by general law to the city. The general law of the state relating to elections and to the registration of persons qualified to vote therein are hereby adopted as if they had been set out in their entirety in this section and are hereby made a part of this Code as if they were printed in full herein; except that for purposes of determining any qualification fee or election assessment, the city adopts only those portions of the Florida Statutes directed specifically to municipal elections; and except for any other exceptions contained in the city ordinances or Charter which have been delegated by general law to the city.

(b2) *Notice of election.* The commission, shall, not less than 60 days prior to the proposed date of any municipal election, adopt a resolution setting forth the purpose of such election and date upon which such election is to be held. The commission shall further authorize and direct the city clerk to give notice of the adoption of such resolution and of the provisions thereof by causing a copy of the resolution to be published in a newspaper of general circulation within the city, once a week for three consecutive weeks, the first publication to be not more than one week after the date of the adoption of the resolution.

(e3) Candidate qualification requirements.

- (4i)** Any qualified elector of the city who has been a resident of the city for a period of one year next preceding the date of qualification, and who shall have the qualifications of a city elector at the time for qualification for office, and who is otherwise qualified to be a member of the commission may be a candidate for mayor or for the commission.
- (2ii)** The city clerk shall certify to the commission at or before the next regular scheduled commission meeting after the closing date for qualifying, the names of all candidates duly qualified under the provisions of this article.

(e4) Electors, registration officer and conduct of elections.

- (4i)** The city adopts the permanent single registration system for the registration of elector provided for in F.S. ch. 98.
- (2ii)** The supervisor of elections of the county shall be the registration officer for the city.
- (3iii)** City electors shall be residents of the city and shall possess the qualifications and register in accordance with the general laws of the state.
- (4iv)** The city clerk shall conduct the elections of the city in accordance with the general laws of the state.
- (5v)** The city clerk shall provide for absentee voting in accordance with the provisions of the general laws of the state.
- (6vi)** The precinct clerk and inspectors at each polling place shall be appointed by the commission after recommendation for the city clerk.
- (7vii)** The precinct clerk and inspectors shall also serve in any runoff election in accordance with the general laws of the state.

(e5) Certification of returns; canvassing returns.

- (4i)** Prior to the date of election, the commission shall appoint a canvassing board for the purpose of canvassing the election. The canvassing board shall consist of at least three members including city clerk, the police chief or his designee, and one or more members of the commission.
- (2ii)** On the night of the election, the absentee ballots shall be furnished by the city clerk to the supervisor of elections and shall

be reviewed by the canvassing board to determine the qualifications of the absentee voters and whether or not the absentee ballot has been cast correctly. The city clerk shall furnish the supervisor of elections a list of those voters voting by absentee ballot so that the registration books can be marked accordingly.

(3iii) The supervisor of elections shall count or supervise the counting of the votes and shall make out a list of those voted for with the number of votes for each, including all votes cast at the designated polls along with all absentee ballots, and certify in duplicate as to the correctness of the count. The canvassing board shall meet on the night of the election for purposes of aiding the supervisor of elections in counting votes and canvassing the election. One list shall be delivered to the mayor and the city clerk shall transmit the returns to the commission at the next commission meeting.

(4iv) After receiving all returns, the commission shall canvass the returns, and the results as shown by such returns shall be by the commission declared as the result of the election.

SECTION 2. Section 2-32, of the City of Wildwood Code is hereby amended as follows [cross-throughs (-) indicate deletions and underlines () indicate additions]:

Sec. 2-32. Qualifying fees.

- (a) The qualifying fees for persons qualifying as candidates for election as commissioner or mayor-commissioner on the city commission are hereby set at five percent of the annual salary for the office for which the candidate desires to qualify.
- (b) The qualifying fee shall be payable before the candidate shall be duly qualified to seek election to the post for which the qualifying fee is payable.
- (c) In elections conducted by the supervisor of elections, all qualification fees shall be paid to the supervisor of elections. In elections conducted by the City clerk, all qualification fes shall be paid to the City Clerk.

SECTION 3. Section 2-33, of the City of Wildwood Code is hereby amended as follows [cross-throughs (-) indicate deletions and underlines () indicate additions]:

Sec. 2-33. Municipal elections official.

If authorized by the City Commission, the Supervisor of Elections shall be the municipal elections official. If the Supervisor of Elections has not been authorized to act as elections official, then ~~the~~ City Clerk shall be the municipal

elections official of the city and shall supervise all municipal elections.

SECTION 4. Section 2-34, of the City of Wildwood Code is hereby amended as follows [cross-throughs (-) indicate deletions and underlines () indicate additions]:

Sec. 2-34. Dates of municipal elections.

Regular elections of the city shall be held annually at the time of the general election. The city commission may call special elections for any reason not inconsistent with the provisions of the City Charter and general law.

SECTION 5. Section 2-35, of the City of Wildwood Code is hereby amended as follows [cross-throughs (-) indicate deletions and underlines () indicate additions]:

Sec. 2-35. Elections procedures; voting systems.

(a) In elections conducted by the Supervisor of Elections, the Supervisor of Elections shall determine what voting system shall be used.

(ab) In elections conducted by the City Clerk, ~~The~~ city shall have the option of using the following voting systems:

- (1) A paper ballot voting system for municipal elections by which electors shall mark their votes upon the paper ballots by hand and the votes shall be tabulated and counted by the municipal elections official by hand. Specific procedures to be employed in the paper ballot voting system shall be as set out by the election security procedures of the city which shall be prepared by the municipal elections official and approved by the commission.
- (2) The county system.

(b) The city shall provide the county notice annually of which system it will use.

SECTION 6. All ordinances or parts of ordinances in conflict herewith be and the same are hereby repealed.

SECTION 7. If any section, subsection, sentence, clause, phrase of this ordinance, or any particular application thereof shall be held invalid by any court, administrative agency, or other body with appropriate jurisdiction, the remaining section, subsection, sentences, clauses, or phrases under application shall not be affected thereby.

SECTION 8. It is the intention of the City Commission of the City of Wildwood that the provisions of this Ordinance shall become and be made part of the City of Wildwood Code of Ordinances and that the sections of this Ordinance may be renumbered or re-lettered and the word "ordinance" may be changed to "section", "article", or such other appropriate work or phrase to accomplish such intentions.

SECTION 9. This ordinance shall take effect immediately upon its final adoption by the

City Commission.

PASSED AND ORDAINED this 8th day of August, 2011, by the City Commission of the City of Wildwood, Florida.

CITY COMMISSION
CITY OF WILDWOOD, FLORIDA

SEAL

ATTEST: Joseph Jacobs
Joseph Jacobs, City Clerk

Ed Wolf
Ed Wolf, Mayor

First Reading: July 25, 2011

Second Reading: August 8, 2011

Approved as to form:

Jerri A. Blair
Jerri A. Blair
City Attorney

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