

Chapter 22 - ELECTIONS^[1]

Footnotes:

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Charter reference— Elections, art. VII.

Cross reference— Mayor, § 2-31 et seq.; city commissions, § 2-61 et seq.

State Law reference— Municipal Home Rule Powers Act, F.S. ch. 166; elections, F.S. chs. 97—107.

Sec. 22-1. - Candidacy to be for one office only.

A candidate for any city office shall be a candidate for one office only.

(Code 1979, § 2-19)

Sec. 22-2. - Filing of candidacy; oath; filing fee.

- (a) A candidate for city office shall announce their candidacy by filing with the city clerk the notice of candidacy form, the petition of candidacy supported by the signatures of ten registered voters and qualified electors of the city, all candidate qualification documents which are required to be filed with the city by the laws of the state and the filing fee as provided in Appendix A to this Code which shall be paid into the general fund of the city and used to help defray the expenses of such election.
- (b) The petition of candidacy must bear the following typed statement on the top of each signature page: "I SUPPORT THE APPEARANCE OF (name of Candidate) ON THE BALLOT FOR ELECTION TO THE OFFICE OF (City Commission Seat No. _____ /Mayor)." Each signature page shall also bear the name, address, and phone number of the person responsible for distribution of the petition and contain an affirmation by that person that the individual witnessed the signatures contained on that page. Each signature should bear the legibly printed name, address, and precinct number of each signatory.
- (c) The completed petition shall be submitted to the city clerk prior to the deadline for qualification, as established by the laws of the state.

(Code 1979, § 2-20; Ord. No. 2002-0824, § 2, 10-22-2002)

Sec. 22-3. - Qualifying to fill unexpired term.

If at any general election a vacancy is to be filled for the unexpired term of a city commission seat, pursuant to the provisions of Article II, Section 2(f) of the Charter, and any candidate desires to fill such vacancy for the remainder of the unexpired term, then such candidate must file, at the time of filing his affidavit of candidacy, a written statement with the city clerk indicating that the candidate is running for such commission vacancy and that if elected such candidate shall be elected only for the balance of the unexpired city commission term.

(Code 1979, § 2-21)

Sec. 22-4. - City clerk to be city's official representative with respect to election matters.

The city clerk shall be the official representative of the city and the city commission in all transactions with the supervisor of elections of Broward County, Florida, in relation to all matters pertaining to the holding of elections within the city.

(Code 1979, § 2-22; Ord. No. 2002-0824, § 3, 10-22-2002)

Sec. 22-5. - Positions and printing of names on ballots.

The names of the candidates for each municipal office shall be placed on the ballot in alphabetical order by the candidate's last name. The name of a candidate shall be printed on the ballot in the same form as the name appears on the notice of candidacy. Shortened versions or nicknames may be used, if so indicated. No title or evidence of incumbency shall be printed.

(Code 1979, § 2-23; Ord. No. 2002-0824, § 4, 10-22-2002)

Sec. 22-6. - Secrecy of balloting.

Secret voting is required by F.S. § 101.041.

(Code 1979, § 2-24)

Sec. 22-7. - Electronic voting equipment.

Electronic voting machines shall be used in each city election. The machines shall be owned by the county and supplied by the supervisor of elections.

(Code 1979, § 2-25; Ord. No. 2002-0824, § 5, 10-22-2002)

Sec. 22-8. - Results.

The results of the count of ballots shall be publicly announced immediately, subject to subsequent certification of results by the city commission.

(Code 1979, § 2-26)

Charter reference— Procedure for certification and canvass of results, art. VII, § 5.

Sec. 22-9. - When officials assume office.

All newly elected officials shall be sworn in and assume the duties of their offices at the meeting of the city commission, whether the meeting be a regularly called meeting or a specially-called meeting, which meeting shall be held on the seventh day following the election.

(Code 1979, § 2-27)

Sec. 22-10. - Absentee ballots.

(a) *Required.* Absentee ballots shall be provided in every city election.

- (b) *Application; affidavit.* An application for an absentee ballot shall be accompanied by an affidavit stating that for bona fide reasons set out therein, the elector will be absent from the city on the date of the election.
- (c) *Deadline for returning ballots.* Each absentee ballot must be received by the county supervisor of elections on or before the day of the city election.
- (d) *Counting.* Absentee ballots shall be counted by the county supervisor of elections at the time of computing election results.

(Code 1979, § 2-28)

Charter reference— Commission to provide for absentee balloting, art. VII, § 3.

State Law reference— Absentee voting procedures, F.S. § 101.61 et seq.

Sec. 22-11. - Breaking a tie in election results.

In the case where two or more persons who are either running as candidates for the office of mayor or as candidates for the office of city commissioner shall receive an equal number of votes for such office and thereby it cannot be determined which person was elected to such office, such persons shall draw lots to determine who shall be elected to the office and the winner shall be elected to the respective office as if he had received one more vote than the other candidate or candidates.

(Code 1979, § 2-29)

Sec. 22-12. - Vacancy in candidacy for commissioner or mayor.

The following provisions shall apply in the event of a vacancy in candidacy for the position of city commissioner or mayor in the city:

- (1) If after the close of the qualifying period for filing as a candidate the death, withdrawal, or removal of a candidate leaves fewer than two candidates for an office and at least 45 days remain before the election, the qualifying period for that office shall be reopened for a period of five days following the date vacancy occurs.
- (2) If after the close of the qualifying period for filing as a candidate the death, withdrawal, or removal of a candidate leaves only one candidate for an office and less than 45 days remain before the election, that candidate will be considered to be unopposed and, therefore, elected pursuant to Article VII, Section 2 of the City Charter and will assume office pursuant to section 22-9 at a special meeting to be called on the seventh day following the municipal election date.
- (3) If after the close of the qualifying period for filing as a candidate the death, withdrawal or removal of a candidate leaves no candidate for an office and less than 45 days remain before the election, the city commission shall within 60 days of the date when the successful candidate for the office would have assumed office pursuant to section 22-9 (seven days following the election date) elect by majority vote, a person having the qualifications for the office to fill the vacancy until the next regular election. At the next general election, the vacancy shall be filled for the unexpired term. If the commission fails to fill the vacancy for the unexpired term within such 60-day period, then a special election shall be held to fill the vacancy.

(Code 1979, § 2-30)

Sec. 22-13. - General municipal election dates.

The city commission, pursuant to the authority of F.S. § 101.75, modifies the date of its general municipal election in 2008 and, to the extent there is an election in the city, in each subsequent year that is a multiple of four, accordingly, to coincide with the presidential preference primary in those years. In 2008, the city's general municipal election shall occur on January 29, 2008.

(Ord. No. 2007-0873, § 2, 8-28-2007)

Sec. 22-14. - Qualifying period for general municipal elections.

The city commission hereby provides that the qualifying period for the 2008 general municipal election and the general municipal election in each subsequent year that is a multiple of four, shall run for 14 days. For the 2008 general municipal election, the qualifying period will be from noon on November 2, 2008 through noon on November 16, 2007. The dates for the qualifying periods for future general municipal elections in years that are a multiple of four shall be established to be consistent with F.S. § 101.75, as may be amended from time to time, and the timelines and dates of the county supervisor of elections for those elections.

(Ord. No. 2007-0873, § 3, 8-28-2007)