

Chapter 26 - ELECTIONS^[1]

Sec. 26-1. - Adoption of state law.

The applicable provisions of Florida Statutes, as amended from time to time, relating to qualification of electors, registrations, transfer of electors, voting, ballots, duties of election officials, challenges, canvassing of returns, voting procedures, poll watchers, and all other matters pertaining to the management of elections, except as otherwise provided in this chapter, are hereby adopted by reference and made a part of this chapter as fully as if set out in full in this section.

(Ord. No. 98-09, § 1(7-1), 10-26-1998)

State Law reference— The Florida Election Code, F.S. chs. 97—106.

Sec. 26-2. - General election.

- (a) A general election shall be held in the city on the first Tuesday after the first Monday in November and annually on the same day thereafter.
- (b) The city council shall, at the first regular council meeting held in July, issue a proclamation calling such election.
- (c) The successful candidates for city council shall take office and be sworn in at the first regular or special meeting of the city council following the city's receipt of the certified election results as certified by the Marion County Supervisor of Elections.

(Ord. No. 98-09, § 1(7-2), 10-26-1998; Ord. No. 02-11, § 1, 11-25-2002; Ord. No. 2016-10, § 2, 9-12-2016)

Sec. 26-3. - Special elections.

Special elections shall be held in the city in the following cases:

- (1) When required or permitted by the constitution or laws of the state or the ordinances of the city.
- (2) Where there has been no choice of any officer who should have been elected at any general or special election.
- (3) When a vacancy shall occur in any elective office by resignation or otherwise, and the council shall fail or refuse to fill such vacancy by appointment, or in its discretion shall order an election to fill the vacancy.
- (4) When, at the discretion of the council, any questions affecting the interest of the city shall arise which properly should be submitted to a vote of the electors. In all such cases the special election shall be ordered by proclamation of the council calling such election in the same manner and form as provided for general elections.

(Ord. No. 98-09, § 1(7-3), 10-26-1998)

Sec. 26-4. - Ballots.

The city clerk shall cause to be printed on the ballots the names of all persons who have qualified as candidates for any office; however, should only one candidate be qualified, that person shall be deemed to be elected to that seat and no name will appear on the ballot for that seat.

(Ord. No. 98-09, § 1(7-4), 10-26-1998; Ord. No. 2016-10, § 2, 9-12-2016)

Sec. 26-5. - Certification of election results.

- (a) The city clerk shall present the election returns to the city council, which shall, at the next regular or special meeting following any regular or special election, declare the results of the election. The results of the election as declared by the city council shall be recorded in the minutes of the meeting showing in words and figures the whole number of votes given for such office, the names of the persons for whom such votes were given and the number of votes given for each person for such office.
- (b) The person receiving the highest number of votes cast in a general or special election for an office shall be elected to the office. In case two or more persons receive an equal and highest number of votes for the same office, such persons shall participate in a runoff election.

(Ord. No. 98-09, § 1(7-5), 10-26-1998; Ord. No. 2016-10, § 2, 9-12-2016)

Sec. 26-6. - Qualifications of electors; candidate requirements.

- (a) Any person who shall possess the qualifications requisite for an elector at general state elections and shall have resided in the city for six months preceding the election and shall have registered in the municipal registration books as prescribed by ordinance shall be a qualified elector of the city at all elections held therein; provided that state or county registration shall not be required to qualify as an elector to vote at any election in the city, and further provided that no person shall vote in any bond election held in the city who is not a qualified elector therein.
- (b) In the case of elections for city councilpersons, there shall be as many seats as there are vacancies to be filled, and each candidate shall designate, or in the event of nomination by petition or otherwise the nominating petition or other method of nomination shall designate, the seat for which such candidate for such office shall run.
- (c) If an incumbent runs for reelection, he shall be eligible to run for any vacant seat.
- (d) Every person who shall desire to become a candidate under the provisions of this chapter for the office of councilperson shall qualify to become such candidate by filing, with the city clerk, during regular business hours, no earlier than noon of the 78th day to no later than

noon of the 74th day before any election, a petition signed by ten or more electors of the city, asking that their name be placed upon the official ballot for such office. In his/her application, such person shall declare the seat number to which the candidate desires to be elected.

- (e) Each candidate for the office of city councilperson shall, at the time of qualifying, pay a nonrefundable qualifying fee of \$45.00 to the city.

(Ord. No. 98-09, § 1(7-6), 10-26-1998; Ord. No. 2005-06, § 2, 7-25-2005)

Sec. 26-7. - Election board.

The city council shall authorize the city clerk to appoint the election clerk, inspectors and deputy for each election. In cases in which either a deputy, inspector or election clerk is absent or refuses to act, the city clerk shall appoint some qualified elector to act in his place. Each clerk, deputy and inspector of election shall be a qualified voter of the city, when possible. They shall be sworn to perform according to law and shall have full charge of the polling places and all voting machines. The election officers shall be paid according to the schedule set by the county for such services. No person who holds any office of trust, profit, or employment under the city shall be selected as clerk, deputy, or inspector of election.

(Ord. No. 98-09, § 1(7-7), 10-26-1998)

Sec. 26-8. - Early voting.

For those city elections taking place concurrent with general elections conducted by the Marion County Supervisor of Elections, early voting shall be permitted in accordance with F.S. § 101.657 and procedures established by the Marion County Supervisor of Elections. For those elections taking place at times other than those specified in the preceding sentence, early voting shall not be permitted except by absentee voting. Absentee voting shall be permitted in all municipal elections in accordance with the applicable provisions of the Florida Election Code.

(Ord. No. 2005-05, § 1, 7-25-2005)