

ARTICLE III. - ELECTIONS²

Footnotes:

--- (2) ---

Charter reference— Elections generally, Art. 6.

State Law reference— State election laws generally, F.S. Chs. 97—106.

Sec. 2-18. - General jurisdiction of Council.

All acts and things necessary to be done to completely accomplish and carry out the conducting, holding and regulating of municipal elections and determining the result thereof are entirely and completely under the supervision by the City Council, subject to provisions of the Charter of the City and general laws of the State applicable to the City.

(Code 1982, § 2-14)

Sec. 2-19. - General compliance with laws, ordinances; setting of municipal election dates.

Except as otherwise provided by this article, all municipal elections held within the City shall be conducted in such manner as may be provided for such elections by the general and the special laws of the State applicable to the City, and the Charter of the City, and the ordinances of the City passed in pursuance of such laws. The provision regarding absentee elections in State law shall be applicable in the City. The election for the office of City Commissioner for Commission District Seat 1, District Seat 3, District Seat 4 and Commission District Seat 5, shall be held to coincide with the national, State and county primary elections beginning in 2020 and continuing for each successive election even numbered election year. In 2020, that primary election is scheduled to be held August 18, 2020, between the hours of 7:00 a.m. and 7:00 p.m. at the polling sites established by the Hardee County Supervisor of Elections for electors of the City of Wauchula, Florida. As provided by Section 5.01(A) of the Charter, two or more candidates must become qualified for one or more positions on the Commission to be filled in order to require an election for such position or positions. As provided by Section 5.01(A) of the Charter, if no candidate receives a clear majority of all votes cast for any such position, the two candidates for each place to be filled who received the highest number of votes in the primary election shall be certified as the candidates in a run-off election. If a run-off election is required in this or any other subsequent even numbered year election, it shall be held to coincide with the general Federal, State and county elections scheduled to be held on the first Tuesday after the first Monday of each even-numbered year. For this year, that date is November 3, 2020, between the hours of 7:00 a.m. and 7:00 p.m. at the polling sites established by the Hardee County Supervisor of Elections for electors of the City of Wauchula, Florida.

(Code 1982, § 2-15; Ord. No. 2020-05, § 2, 5-11-20)

Editor's note— Ord. No. 2020-05, § 2, adopted May 11, 2020, changed the title of § 2-19 from general compliance with laws, ordinances to general compliance with laws, ordinances; setting of municipal election dates.

State Law reference— Absentee elections, F.S. § 101.64 et seq.

Sec. 2-20. - Period for qualifying.

The time for qualifying to run for a City Commission member shall be set to coincide with any regular or special Federal, State or county election to be held in the City. Absent extenuating circumstances,

generally the time for qualifying shall be from no earlier than noon of the 50th day, and no later than noon of the 46th day, before the general election, but the City Commission may modify this time for qualifying if it determines there are extenuating circumstances. All candidates for any of the above described Commission district seats in Section 2.19 above shall, for the 2020 municipal elections, qualify between 12:00 p.m. (noon), on Monday, June 8, 2020, and 12:00 p.m. (noon), Friday, June 12, 2020, in person at the office of the City Clerk, 126 South 7th Avenue, Wauchula, FL 33873.

(Code 1982, § 2-20; Ord. No. 2004-20, § 1, 1-10-05; Ord. No. 2020-01, § 2, 2-24-20; Ord. No. 2020-05, § 3, 5-11-20)

Sec. 2-21. - Request to Clerk required to qualify.

Any person who desires to become a regular and duly qualified candidate for election to any elective office under the municipal government of the City shall file his written request, directed to the City Clerk, requesting that his or her name be placed on the official ballot, and stating the office for which said candidate desires to qualify.

(Code 1982, § 2-21)

Sec. 2-22. - Qualifying fees.

Qualifying fees for candidates for City office shall be as follows:

Councilman\$10.00

Mayor20.00

City Clerk and Tax Collector20.00

Said fees shall be paid to and collected by the City Clerk at the time of filing a request to become an official candidate for election and no request shall be valid without said fee being paid. Fees so collected shall be deposited in the general fund and credited to miscellaneous income.

(Code 1982, § 2-22)

State Law reference— State fee for qualifying, F.S. § 99.031.

Sec. 2-23. - Proof of residence and status as City elector prerequisite to qualifying.

A candidate for elective City office shall be a qualified elector of the City at time of qualifying. At the time of his request to be placed on the ballot, the prospective candidate shall file with the City Clerk proof of residence in the City and proof of voter registration for the City.

(Code 1982, § 2-23)

Sec. 2-24. - Election terminology.

Consistent with Section 5.02, the City hereby adopts the definitions as set forth in F.S. § 97.021. In addition, a "regular election" as that term is used in the Charter is the first election held during a county primary. A "runoff election" is an election required to be held to decide a regular election and shall be set to coincide with a county general election. Regular elections are set to coincide with any regular or special Federal, State or county election.

(Ord. No. 2020-01, § 4, 2-24-20)

Sec. 2-25. - Supervision of preparation of ballots; Clerk to certify candidates.

All ballots to be used in any municipal election shall be prepared under the supervision and direction of the City Clerk. It shall be the duty of the City Clerk to certify a list of all candidates who have properly qualified to the City Council immediately upon the expiration of the time within which such candidates are permitted under ordinances to qualify.

(Code 1982, § 2-25)

Sec. 2-26. - Council to call election; notice required; publication.

The City Council shall not later than the 20th day before any election certify a list of the candidates in such election whose names are entitled to appear on the ballot as being a list of candidates for nomination or election, or questions to be voted upon, as the case may be, together with the names of the offices for which nomination or election is to be made at such election, and shall cause the same to be published, together with notice calling for such election, for two consecutive weeks, or in two consecutive weekly issues before such election, in a newspaper of general circulation in the City, which said notice shall contain the time when said election will be held, together with the designation of polling places in the City.

(Code 1982, § 2-26)

Sec. 2-27. - Printing of ballots.

The City Clerk shall cause to be printed all ballots for use in any election to be held in the City, and place thereon the name of any candidate for elective office who is qualified as required by this Code.

(Code 1982, § 2-27)

Sec. 2-28. - Unopposed candidates.

- (a) Any unopposed candidate for any elective City office shall be deemed elected at the regular election immediately following the close of the qualifying period, and it shall not be necessary for the name of any unopposed candidate for any elective City office to appear on the regular election ballot. In other words, if, at the close of the qualifying period, only one candidate has qualified for election to City office by any method provided in the Charter and this Code, the unopposed candidate shall be deemed to have voted for himself, shall be declared elected, and no election for that office will be required. The term of any such office shall begin, however, consistent with the date provided in Section 5.07, Wauchula City Charter, for contested elections, which shall be at the first regular City Commission meeting after the date the general election would have been held, even if, due to all candidates being unopposed, no contested election occurs.
- (b) It shall not be necessary to appoint poll workers or have polls open in wards where all candidates are unopposed.

(Code 1982, § 2-28; Ord. No. 2020-01, § 5, 2-24-20)

Sec. 2-29. - Appointment of poll workers.

It shall be the duty of the Mayor, considering the recommendations of the City Clerk, at least 20 days prior to the holding of an election, to appoint at least four poll workers for each election precinct of the City, who shall be residents and electors of the City and residents of the precincts in which they shall be appointed to serve. A person who cannot read or write the English language shall not be appointed as a poll worker.

(Code 1982, § 2-29)

Sec. 2-30. - Filling vacancies in office of poll worker.

If any vacancy occurs in the appointment of poll workers, the Mayor shall make a new appointment, filling the vacancy.

(Code 1982, § 2-30)

Sec. 2-31. - Oath of poll workers.

Each poll worker shall take and subscribe an oath or affirmation which shall be printed or written to the effect that he will perform the duties of poll worker according to law and will endeavor to prevent all fraud, deceit, or abuse in conducting said election. Such oath shall be returned with the poll list and returns of the election to the City Council.

(Code 1982, § 2-31)

Sec. 2-32. - Delivery of election paraphernalia to poll workers.

The registration books, poll lists, ballot boxes or voting machines, ballots, oaths of the poll workers, stubs, memoranda and papers of all kinds to be used by the poll workers in the conducting of a City election shall be delivered by the City Clerk to the poll workers of the respective election precincts to be used by them in such election.

(Code 1982, § 2-32)

Sec. 2-33. - Tabulation of vote.

At the close of the election at each polling place in each election precinct the poll workers shall immediately proceed to tabulate the vote in accordance with either F.S. § 101.54 (if voting machines have been used), or F.S. § 102.061 (if paper ballots have been used).

(Code 1982, § 2-33)

Sec. 2-34. - Certification of results.

In the event that voting machines are used, the poll workers of each precinct shall certify the results of election in accordance with F.S. § 101.55. If paper ballots are used, the results will be certified in accordance with F.S. § 102.071. However, wherever in said sections reference is made to the "supervisor," the words "City Clerk" shall be substituted, and wherever reference is made to "chairman of the county canvassing board" or "county judge," the words "Chairman of the City Council" shall be substituted.

(Code 1982, § 2-34)

Sec. 2-35. - Canvass of returns.

No later than the date specified in Article 6, Section 1, of the Charter, the City Council shall meet at the City Hall and proceed publicly to canvass the vote as shown by the returns. Such canvass shall be made solely, exclusively and entirely from the returns and certificates of the poll workers in each election precinct signed and filed by them with the City Council. In no case shall the Council change or vary in any manner the number of votes cast for the candidates in any polling place in the City, as shown by the returns of such polling place; provided that all returns shall be made to the Council on or before such date after such election.

(Code 1982, § 2-35)

Charter reference— Canvass of returns, Art. 6, §§ 1, 3.

Sec. 2-36. - Run-off elections where no candidate receives majority.

- (a) If any candidate for an office shall receive a majority of the votes cast for such office in an election, he shall be declared elected to such office. If no candidate receives a majority of the votes cast in the election for that office, there shall be held a second election as provided in Article 6, Section 4, of the Charter.
- (b) In the event that it is necessary to hold a second election, the two candidates having the greatest number of votes in the first election shall have their names placed on the ballot for the second election, and the one receiving the greater number of votes in the second election shall be declared the successful candidate.

(Code 1982, § 2-36)

Sec. 2-37. - Certificate of election; copies of returns, other records.

In case any City officer shall be elected at any election, the City Clerk shall give to the person elected a certificate of his election, and the City Clerk shall give any person desiring a copy of such returns or any other records in custody of the Clerk a certified copy thereof or of such part thereof as may be desired, upon payment to him of the customary fees for copying and certifying papers in the office of the Clerk of the Circuit Court, which said fees shall be paid into the general fund of the City.

(Code 1982, § 2-37)

State Law reference— Service charges by Clerk of Circuit Court, F.S. § 28.24.

Sec. 2-38. - Policing of elections.

The City Council shall have full power and authority to police all municipal elections. It may appoint and commission such special officers as it may deem necessary and such officers shall have the same authority as police officers of the City. It may also call upon the Sheriff of Hardee County, and his deputies, or the Chief of Police and the police officers of the City, and all other peace officers within the City, and such officers shall serve in such elections under the direction of the Council.

(Code 1982, § 2-38)

Secs. 2-39—2-60. - Reserved.