

ORDINANCE NO. 2329

AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, AMENDING CHAPTER 34, "ELECTIONS;" BY AMENDING SECTION 34-41, "CANVASSING BOARD; CANVASS AND CERTIFICATION," PROVIDING FOR THE SELECTION OF ALTERNATE CANVASSING BOARD MEMBERS; PROVIDING FOR SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.

WHEREAS, Chapter 166.021 Florida Statutes, grants municipalities the proprietary powers to undertake all municipal functions; and

WHEREAS, pursuant to Section 100.3605(1), Florida Statutes, municipalities are authorized to exempt themselves from provisions of the State Election Code which do not expressly apply to municipalities; and

WHEREAS, Section 2.05 General powers of City Council, of the Charter of the City of Apopka, vests in the City Council all powers of the City except those powers specifically reserved by the Charter to the electors of the city; and

WHEREAS, the City Council desires to provide for a provision of alternate members of the canvassing board, in the event there is a vacancy of a member of the board.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF APOPKA, FLORIDA, as follows:

SECTION ONE: Section 34-41, "Canvassing board; canvass and certification of votes," is hereby amended as follows:

Sec. 34-41. Canvassing board; canvass and certification of votes.

The city canvassing board shall be composed of the city clerk and two members of the city council who are not candidates. Two citizens shall be selected by majority vote of the city council to serve as first and second alternate canvassing board members. The canvassing board members and the alternate canvassing board members shall be appointed at least sixty (60) days before December 1st prior to a general election. Said terms shall expire on May 1st of the election year. At the close of the polls of the city election, the board shall meet and proceed to publicly canvass the absentee electors' ballots and then publicly canvass the vote as shown by the election clerk. In the event of provisional ballots, the canvassing board shall reconvene by Monday following the election to canvass the provisional ballots and ~~verify~~ certify the election results. However, in years there may be a county-wide election, the City Council may approve the canvassing of absentee and provisional electors' ballots by the Orange County Canvassing Board. The city clerk shall be designated the city's representative. The city clerk shall review the ballots accepted by the Orange County Canvassing Board. The City absentee ballots are to be counted simultaneously with the county ballots in the presence of the city clerk who is

to observe and report any discrepancies to the City Council. The city clerk shall then convene the city's canvassing board by the Monday following the election, at city hall, to verify the election results.

The board shall prepare and sign a certificate containing the number of votes cast for each person or other measure voted on. The certification shall be presented to the City Council for ratification, ~~filed with the Florida Division of Election as required by Florida Statutes,~~ and placed on file with the city clerk.

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SECTION TWO: Severability. If any provisions of this Ordinance or the application thereof to any person or circumstances is held invalid, the invalidity shall not affect other provisions or applications of the Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared severable.

SECTION THREE: Conflicts. Any and all Ordinances or parts of Ordinances in conflict herewith be and the same hereby repealed to the extent of the conflict.

SECTION FOUR: Effective Date. This Ordinance shall become effective immediately upon passage.

FIRST READING: September 18, 2013

SECOND READING
& ADOPTION: _____

ATTEST:

John H. Land, Mayor

Janice G. Goebel, City Clerk

APPROVED AS TO FORM:

Frank C. Kruppenbacher, City Attorney

Duly advertised for Public Hearing: September 20, 2013