

ORDINANCE NO. 1447

AN ORDINANCE OF THE CITY OF MAITLAND, FLORIDA AMENDING THE CITY CHARTER SECTIONS 8.03(c) RUN-OFF CITY ELECTION AND 8.04 CANDIDATE QUALIFYING; MODIFIYNG THE RUN-OFF ELECTION DATE AND QUALIFYING PERIOD FOR THE 2026 GENERAL MUNICIPAL ELECTION AND IN EACH SUBSEQUENT YEAR EXCEPT FOR THOSE YEARS THAT ARE MULTIPLE OF FOUR (4), TO A DATE AND PERIOD THAT IS IN HARMONY WITH SUPERVISOR OF ELECTIONS AND IN COMPLIANCE WITH FLORIDA STATUTES; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Maitland Charter Sec. 8.03(c) Run-off city election establishes the date for a run-off election as four (4) weeks after the general city election and Sec. 8.04 Qualifications of candidate; form to oath establishes the candidate qualifying period to be no sooner than noon on the 50th day prior to the general election but no later than noon of the 46th day prior to the general election; and.

WHEREAS, the Supervisor of Elections finds that due to procedural processes, deadlines and statutory requirements a run-off city election date of anything less than five (5) weeks after the general city election is not possible; and

WHEREAS, pursuant to Florida Statutes 101.62(3)(a) the Supervisor of Elections must send vote-by-mail ballots to absent stateside and overseas military, and overseas citizens no later than 45 days before each election and under the current charter Sec. 8.04 the qualifying period would conclude on the 46th day, resulting in non-compliance with Florida Statute; and

WHEREAS, the City of Maitland finds it to be in the best interest of its citizen taxpayers to pursue the substantial cost savings to be achieved by modifying its run-off election date and municipal election qualifying period to align with the compliance deadlines established by Florida Statutes specifically Florida Election Code Chapters 97 -106; and

WHEREAS, Sections 166.021(4) and 100.3605, *Florida Statutes*, allow cities to amend their charters by ordinance to change the dates for qualifying and for election of members and provide to the orderly transition of office resulting from such date changes; and

WHEREAS, it is in the best interests of the citizens of Maitland to modify the date of the run-off election and the qualification period of candidates for Mayor or City Council to dates that are in harmony with the Supervisor of Elections that are also in compliance with Florida Statutes specifically Florida Election Code Chapters 97-106 which governs the conduct of municipal elections.

NOTE: Underlined words constitute additions to the City of Maitland Charter, strikethrough constitutes deletions from the City of Maitland Charter.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MAITLAND FLORIDA:

Section 1: The recitals set forth above are hereby adopted as findings of the City Council of the City of Maitland, Florida.

Section 2: Sections 8.03(c) and 8.04 of the City of Maitland Charter are amended as follows:

Sec. 8.03. - Elections.

(c) Run-off city election. When there are two (2) or more candidates for the office of mayor or for a council seat and when no candidate receives a majority of the total number of votes cast in the general city election, a run-off city election shall be held. If the foregoing shall occur, the run-off election ~~shall be held four (4) weeks after the general city election~~ shall be established in accordance with the date provided by the Orange County Supervisor of Elections and set by council approved by resolution.

Section 8.04. – Qualifications of candidate; form of oath.

Any person who is a resident of the city for a minimum of 6 months and has the qualifications of an elector therein may become a candidate for nomination to the office of mayor or to council seat by filing with the city clerk the signed and subscribed candidate oath nonpartisan office form, Sec. 99.021 F.S. and a petition subscribed to by not less than fifty (50) persons who are qualified electors of the city at any time after noon on the 14th day prior to the start of qualifying period but no later than noon the 10th day prior to the start of qualifying period. The city clerk shall promptly submit all timely filed candidate petitions to the Orange County Supervisor of Elections for certification as to elector status and residency. Each candidate for whom the Orange County Supervisor of Elections certifies residency, elector status and at least fifty (50) petition signatures shall be eligible to qualify for election. The candidate qualifying period shall be set by the city clerk, ratified and approved by city council by resolution. ~~The first day of qualifying, shall be any time after noon of the 50th day prior to the general city election but not later than noon of the 46th day prior to the day of the general city election.~~ However, in any year which is a multiple of four and during which the general city election is held concurrent with the Florida Presidential Preference Primary candidate qualifying dates shall be established in accordance with the dates provided by the Orange County Supervisor of Elections and set by council approved by resolution. The city clerk shall post in city hall notification of the date of the general city election no later than ninety (90) days prior to the date of such general city election.

Section 3: Conflicts. All ordinances or parts thereof in conflict herewith are and the same are hereby repealed.

Section 4: Severability. If any section, paragraph, subsection, sentence, clause, phrase, or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions hereof.

Section 5: Codification. The provisions of this Ordinance shall be codified as and become and be made a part of the *Charter of the City of Maitland*. The Sections of this Ordinance may be renumbered or re-lettered to accomplish such intention and the word "Ordinance," or similar words, may be changed to "Section," "Article," or other appropriate word. The Code codifier is granted liberal authority to codify the provisions of this Ordinance.

Section 6: This Ordinance shall take effect immediately upon its adoption.

ADOPTED by the City Council of the City of Maitland, Florida, this 28th day of July 2025.

CITY OF MAITLAND, FLORIDA

JOHN P. LOWNDES, MAYOR

ATTEST:

APPROVED AS TO FORM:

**LORI S. HOLLINGSWORTH
CITY CLERK**

**D. ANDREW SMITH, III.
CITY ATTORNEY**