

ORDINANCE O-25-10

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF EAGLE LAKE, FLORIDA, AMENDING SECTION 6, ELECTIONS, OF THE CODE OF ORDINANCES OF THE CITY OF EAGLE LAKE, SPECIFICALLY, SECTION 6-1, 6-26, 6-27, 6-32, 6-51, 6-53 AND 6-55; TO AMEND THE DEFINITION OF "ELECTOR OR VOTER"; TO AMEND THE TIME FOR ELECTION PACKET AVAILABILITY; TO AMEND THE PROCESS FOR POLL WORKER ASSIGNMENT; TO CLARIFY REGISTERED VOTERS AS ELIGIBLE TO BE APPOINTED TO VACANCIES ON THE CITY COMMISSION; TO CLARIFY QUALIFYING PROCEDURE AS APPLICABLE TO ELECTIONS; TO PROVIDE FOR CIRCUMSTANCES OF VACANCY IN QUALIFIED CANDIDATES FOR ELECTION TO CITY COMMISSION; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS pursuant to the grant of authority set forth in Florida Statute 166.021 and 166.031(6), the City of Eagle Lake desires to amend portions of its Election Code, Chapter 6 of the Code of Ordinances of the City of Eagle Lake.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF EAGLE LAKE, FLORIDA, AS FOLLOWS:

1. That Chapter 6, Elections; Section 6-1, 6-26, 6-27, 6-32, 6-51, 6-53 and 6-55 of the Code of Ordinances of the City of Eagle Lake is hereby amended as shown on Exhibit "A" attached hereto and made a part hereof (~~striketrough~~ language deleted, underline language added). All Sections of Chapter 6 not specifically identified shall remain in full force and effect.

2. All ordinances in conflict herewith are hereby repealed to the extent necessary to give this ordinance full force and effect.

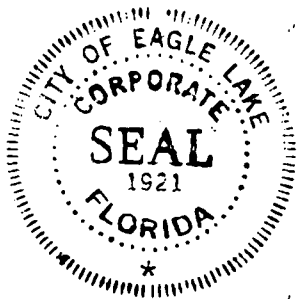
3. Should any action, paragraph, clause, sentence, item, word or provision of this Ordinance be declared invalid by a court of competent jurisdiction, such decision shall not affect the validity of this Ordinance as a whole or any part hereof, not so declared to be Invalid.

4. It is the intent of the City Commission that the provisions of Exhibit "A" to this Ordinance shall become codified and made a part of the Code of Ordinances of the City of Eagle Lake, Florida, and the sections cited in this Ordinance and set forth in Exhibit "A" hereto may be renumbered, reformatted or re-lettered to accomplish such intention.

5. This ordinance shall take effect immediately upon its adoption by the City Commission of the City of Eagle Lake, Florida.

INTRODUCED on first reading this 2nd day of June, 2025.

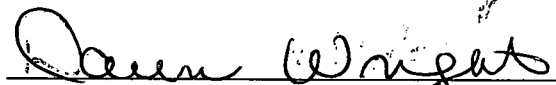
PASSED on second reading this 7th day of July, 2025.



CITY OF EAGLE LAKE, FLORIDA


CORY COLER
MAYOR / COMMISSIONER

ATTEST:


CITY CLERK DAWN M. WRIGHT

Approved as to form:

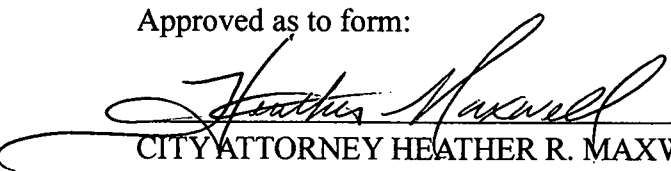

CITY ATTORNEY HEATHER R. MAXWELL

EXHIBIT "A"

O-25-10

(~~strikethrough language deleted~~, underline language added)

Section 6-1 – Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

City clerk or clerk means the duly appointed city clerk of the city.

Election means any city election, be it to choose elected officials or consider issues, including runoff elections and special elections.

Elector or voter means a ~~qualified resident~~ registered voter of the city on the day of the election properly qualified and registered in accordance with F.S. § 97.041 et seq.

Newspaper of general circulation means a newspaper as defined in F.S. ch. 50.

Nonpartisan or nonpartisan office means an office for which a candidate is prohibited from campaigning or qualifying as a candidate for election based on or with reference to political party affiliation.

Office or city office means a position of the city filled by the electors at an election.

Polling place means a particular room or area where electors cast their votes.

Qualifying means the procedure pursuant to section 6-51 of this Code, whereby an individual causes his name to be placed on the next city election as a candidate for city office.

Regular city election means an election to fill the office of city councilperson.

Runoff election means an election to fill the office of city councilperson between the two candidates receiving the largest number of votes in the first election.

Special election means an election called for the purpose of filling a vacancy in elected city office or to approve or disapprove an issue.

Supervisor means the supervisor of elections of the county.

Sec. 6-26. – City clerk designated chief elections officer.

- (a) The city clerk is hereby designated the chief elections officer of the city and shall see that all city elections are conducted in a proper and legal manner. Subject to the approval of the city council, the city clerk may delegate any or all of the responsibilities for administering the election to the county supervisor of elections.

- (b) The city clerk, as chief elections officer, shall have candidate information packages available to the public at the city clerk's office on or before the ~~third Monday in January at 8:00 a.m.~~ at or before 8:00 a.m. on the last business day of January preceding the next city election. The city clerk shall, with the assistance of the city manager, cause to be circulated within the city, a notice to inform the citizens of the availability of candidate information packages, the period to qualify as a candidate for the position of city ~~councilperson~~ commissioner and the date of the upcoming election. Said notice shall be posted to social media accounts the city routinely uses to publish similar information, and shall be circulated with the city's utility bills, or other reasonably equivalent manner, during the month of January preceding the next election.

Sec. 6-27. – Poll workers.

- (a) At each polling place there shall be a sufficient number of poll workers to handle the anticipated number of votes. The county supervisor of elections and the city clerk shall determine the necessary number of poll workers, and the poll workers shall be those appointed by the supervisor of elections and/or city clerk. ~~and report it together with the names of the poll workers to the city council prior to the date of the election. The city council shall appoint the poll workers for any city election; provided, however, when a city election is held in conjunction with a state election conducted by the supervisor of elections, the poll workers shall be those appointed by the supervisor of elections.~~
- (b) All poll workers for a city election shall, when possible, have completed training classes conducted by the supervisor of elections.
- (c) One poll worker shall be designated the clerk and shall be in charge of, and responsible for, the conduct of the election and that polling place.
- (d) Poll workers shall conduct the election, and at the close of the polls ascertain the results in the manner provided in F.S. chs. 101 and 102 to the extent not inconsistent with this chapter, and report the results in the manner directed by the city clerk. Electors shall cast their votes in the manner provided in F.S. ch. 101.

Sec. 6-32. – Filling a vacancy on the city ~~council~~ commission.

In furtherance of Charter provision § 3.04(c), when filling a vacancy on the city ~~council~~ commission, the city ~~council~~ commission shall be governed as follows:

- (1) A vacancy in office caused by death shall be considered effective as of the date of death. A vacancy in office caused by resignation shall be considered effective as of the date designated by the departing ~~council~~ commission member; if no date is designated, the resignation shall be considered effective on the date submitted or proclaimed. A vacancy in office caused by removal shall be considered effective as of the date of removal.
- (2) The remaining ~~councilmembers~~ commissioners, by a majority vote of no less than three if one seat is vacant and by a majority vote of no less than two if two seats are vacant, shall fill the vacancy on the city ~~council~~ commission with an elector of the city within 60 days from the effective date of the vacancy in office.
- (3) In the event a majority of the remaining ~~councilmembers~~ commissioners cannot reach an agreement on the selection of an appointee to fill the vacancy on the city ~~council~~ commission within 60 days from the date of the vacancy in office, as defined hereinabove, then, the city ~~council~~ commission shall submit a list of proposed appointees to the governor for the appointment of a ~~qualified person~~ elector to fill the vacancy until the next regularly scheduled election.

- (4) In the event more than two seats become vacant, then the task of filling the vacancies shall be immediately submitted, with or without a list of proposed appointees as the remaining ~~councilmembers~~ commissioners so choose, to the governor for the appointment of ~~qualified persons~~ electors to fill the vacancies until the next regularly scheduled election.
- (5) This section shall be read and construed in a manner which is consistent with Charter provision § 3.04(c).

Sec. 6-51. – Method of qualifying; fees, petition.

- (a) Each person seeking to qualify as a candidate for election to city office shall file with the city clerk a declaration of candidacy stating thereon the seat number for which he is a candidate. A fee of \$25.00 shall be charged by the clerk for filing and for providing the campaign finance reports required by F.S. §106.07 and the statement of financial interest required by F.S. §112.313 which shall also be filed by each candidate.
- (b) Unless qualifying pursuant to the alternative method of qualifying set forth in subsection (c), a qualification fee of \$25.00 shall be paid at the same time as the qualification papers are filed pursuant to subsection (a). Payment of the fee shall be by a check drawn on the candidate's campaign account, payable to the city, delivered to the city clerk, who shall see that it is deposited in the general revenue fund of the city.
- (c) Filing of petition.
 - (1) A petition containing the signatures of 25 city electors shall be filed together with the required qualification papers, requesting that the individual's name be placed on the next city ballot for the office designated on the petition. The designation of office shall be specific as to which seat of a particular office is being sought. The designation may not be changed during the circulation of a petition, nor upon or after being filed with the city clerk. The petition shall be filed with the city clerk upon qualification.
 - (2) The petition shall be reviewed by the city clerk for signature verification pursuant to F.S. § 99.097. The city clerk shall within two full business days, but by no later than 5:00 p.m. on the last day of the qualifying period, whichever is first to occur, certify the number of signatures of city electors on the petition and whether that number equals or exceeds the requisite number. The cost of signature verification shall be paid pursuant to F.S. § 99.097(4), except that in the event a candidate is entitled to have the signatures verified at no cost to that candidate. A candidate is entitled to have the petition signatures verified at no cost to that candidate provided he executes an affidavit under oath that he cannot pay the charges for verification without imposing an undue burden upon the financial resources available to him. Such affidavit shall be filed with the city clerk together with the petition.
 - (3) The city clerk shall notify the candidate of the result of the verification within two full business days after the day the verification is performed. If the requisite number of valid signatures was attained, the city clerk shall place the candidate's name on the next city election ballot and he shall be considered as having qualified as of the date the petition was filed.
- (d) An otherwise qualified individual may qualify as a write-in candidate by filing a statement to that effect, under oath, with the city clerk during the time frame set forth in section 6-52, together with the candidate's oath set forth in Florida Statutes. No qualification fee shall be required or collected from a write-in candidate. The candidate's name shall not be printed on the ballot, but provision shall be made for write-in votes to be cast in the next city election. Only write-in votes cast for a candidate who has qualified as a write-in candidate per this subsection shall be counted and canvassed as a valid vote.

Sec. 6-53. – Withdrawal, death or removal of candidacy.

- (a) A candidate may withdraw at any time prior to the election by filing with the city clerk a written and executed statement, under oath, to that effect. The candidate's name shall then not be printed on the ballot, or, if the ballots have been printed, the name shall be removed if in the opinion of the clerk time permits without disrupting the administration of the election.
- (b) If the withdrawal, death or removal of a candidate ~~occurs prior to the end of the qualifying period and~~ results in only one candidate remaining on the ballot for that office after the qualifying period ends, the remaining candidate shall, in the absence of a write-in candidate for that office, be declared elected, and no election for that office shall be required, and the qualified candidate's name shall not be printed on the ballot.
- (c) ~~A candidate withdrawing after having qualified and paid the qualification fee shall not receive a refund of the qualifying fee.~~ Qualifying fee nonrefundable. All qualifying fees paid by a candidate are nonrefundable and a candidate's withdrawal, death or removal prior to election shall not constitute a basis for a refund.
- (d) A vote cast for a candidate who has withdrawn shall not be canvassed or certified as a valid vote.

~~Sec. 6-55. – Vacancy in candidacy.~~

~~(1) Withdrawal, death or removal.~~

- ~~(a) — If the withdrawal, death, or removal from the ballot of a qualified candidate following the end of the qualifying period leaves fewer than two candidates remaining on the ballot for that office, a special election shall be scheduled by the city council not less than 60 days nor more than 120 days after the vacancy in the candidacy has occurred.~~
- ~~(b) — If a special election is called pursuant to subsection (1)(a) above, a supplemental qualifying period shall be established by resolution of City Council. The supplemental qualifying period shall be for a period of time equal to or greater than five (5) business days.~~
- ~~(c) — A remaining candidate for that office shall not be required to re-qualify for election or pay a second qualifying fee. A remaining candidate shall not be declared an unopposed candidate under F.S. ch. 106, unless no additional candidate qualifies for election during the supplemental qualifying period. The remaining candidate may continue to accept contributions until declared unopposed. If declared unopposed pursuant to this section, the candidate shall be declared elected; and the special election shall be canceled.~~
- ~~(d) — The filing of campaign expense statements pursuant to F.S. ch. 106, by candidates in a special election called under subsection (1)(a), including a remaining candidate, shall not be later than such dates as fixed by the city clerk. In fixing such dates, the city clerk shall take into consideration and be governed by the practical time limitations and the dates established for such statements in a regular city election.~~

- (e) ~~If a special election is called pursuant to subsection (1)(a) and other candidates qualify for election during the supplemental qualifying period, supplemental absentee ballots for the special election shall be mailed to any absentee voter who was mailed an absentee ballot for the regular election. If an absentee voter returns the initial ballot received by mail, the absentee voter's vote for that office for which the special election was called will be null and void, but votes on all other offices and issues shall be counted.~~
- (2) ~~*Removal of name from ballot.* The name of any qualified candidate who has withdrawn, died or been removed from the ballot shall not be printed on the ballot. If the ballot cannot be changed, any votes for that candidate shall be null and void.~~
- (3) ~~*Qualifying fee nonrefundable.* All qualifying fees paid by a candidate are nonrefundable and a candidate's withdrawal, death or removal prior to election shall not constitute a basis for a refund.~~