

**CITY OF BRADENTON BEACH, FLORIDA
ORDINANCE NO. 15-451**

AN ORDINANCE OF THE CITY OF BRADENTON BEACH, FLORIDA REPEALING ORDINANCE 19, "AN ORDINANCE PROVIDING FOR THE QUALIFICATION AND REGISTRATION OF ELECTORS IN MUNICIPAL ELECTIONS; FOR THE PROCLAMATION OF ELECTIONS; FOR THE PROVISION OF BALLOTS; FOR RULES AND PROCEDURE FOR VOTING; FOR POLLING PLACES AND VOTING BOOTHS; FOR INSPECTION BOARDS; FOR THE DUTIES OF THE INSPECTORS AND CLERKS AND FOR THE CANVASSING OF THE VOTES" PROVIDING FOR FINDINGS OF FACT; PROVIDING FOR REPEAL OF ORDINANCES AND RESOLUTIONS IN CONFLICT HERewith; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF BRADENTON BEACH, FLORIDA, as follows:

WHEREAS, Article VIII, Section 2 of the Florida Constitution provides that municipalities shall have governmental, corporate, and proprietary powers to enable municipalities to conduct municipal government; and

WHEREAS, Chapter 166, Florida Statutes, the "Municipal Home Rule Powers Act," implements the applicable provisions of the Florida Constitution and authorizes municipalities to exercise any power for municipal purposes, except when expressly prohibited by law and to enact ordinances in furtherance thereof; and

WHEREAS, the City Council of the Town of Bradenton Beach adopted Ordinance 19 on April 18, 1952; and

WHEREAS, a majority of the Ordinance is archaic, has been superseded by Federal and State Law, or is in violation of the U.S. Constitution; and

WHEREAS, the City has the authority to repeal such ordinances when the City Commission determines that it is in the best interest of the citizens of the City of Bradenton Beach to enact such a repeal; and

WHEREAS, the Supervisor of Elections has expressed concerns over the provisions of Ordinance 19; and

WHEREAS, Florida Statute has provided for a uniform system of elections, qualification and registration; and

WHEREAS, the City Commission of the City of Bradenton Beach, adopted Ordinance 05-380, codified in Chapter 22, Elections, of the Code of Ordinance, appears to have repealed Ordinance 19, specifically providing:

“Whereas, the City Commission has determined that for those municipal elections that do not take place concurrent with elections conducted by the Manatee County Supervisor of Elections...Section 2. New Language. The City of Bradenton Beach Code of Ordinances is hereby amended by adding new Section 22-2 to read in its entirety as follows: 22-2. Conduct of Municipal Elections. Municipal elections within the City of Bradenton Beach shall be governed and controlled by the provisions of the Florida Election Code except in those instances where this code or the City of Bradenton Beach Charter expressly addresses a particular matter...Section 4. Repeal of Ordinances. All ordinances or parts of ordinances in conflict herewith are hereby repealed.”

WHEREAS, the City Commission has determined that the enactment of this Ordinance is for a proper municipal purpose and protects the public health, safety and welfare.

NOW THEREFORE BE IT FURTHER ORDAINED BY THE CITY COMMISSION, as follows:

Section 1. Findings of Fact. The **WHEREAS** clauses set forth above are adopted herein as findings of fact.

Section 2. Repeal of Ordinance 19. To the extent that there is the need for clarification as to whether Ordinance 19 was repealed in Ordinance 05-380, Ordinance 19 is hereby repealed in its entirety.

Section 3. Repeal of Ordinances and Resolutions. Any ordinance or resolution in conflict herewith, to the extent of such conflict, is hereby repealed.

Section 4. Severability. In the event, any Section, Paragraph, Sub-Paragraph, Sentence, Clause, Phrase or Word of this Ordinance shall be called invalid, illegal or unenforceable by a Court of competent jurisdiction, such declaration shall not effect the validity of the remaining portions hereof.

Section 5. Effective Date. This Ordinance shall become effective immediately upon adoption or as provided by law.


PASSED AND DULY ADOPTED with a quorum present in voting this 7 day of May, 2015.

First reading 4/16, 2015.

With notice 4/23, 2015.

Public Hearing 5/7, 2015.

CITY OF BRADENTON BEACH, FLORIDA, BY AND THROUGH THE CITY
COMMISSION OF THE CITY OF BRADENTON BEACH

BY: 
William Shearon, Mayor

ATTEST: Terri Sanclemente, *Pro Tempore* City Clerk

BY: 
Clerk/Deputy Clerk

ORDINANCE NO. 19

AN ORDINANCE PROVIDING FOR THE QUALIFICATION AND REGISTRATION OF ELECTORS IN MUNICIPAL ELECTIONS; FOR THE PROCLAMATION OF ELECTIONS; FOR THE QUALIFICATION OF CANDIDATES; FOR THE PROVISION OF BALLOTS; FOR RULES AND PROCEDURE FOR VOTING; FOR POLLING PLACES AND VOTING BOOTHS; FOR INSPECTION BOARDS; FOR THE DUTIES OF INSPECTORS AND CLERKS AND FOR THE CANVASSING OF THE VOTES.

BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF BRADENTON BEACH, FLORIDA:

SECTION 1: Any person twenty-one years of age, at the time of registration, upon proof of his birth date, who is a citizen of the United States, a permanent resident living in Florida for one year and residing in the Town of Bradenton Beach for six months preceding the next election, is eligible to register with the Town Clerk when the registration books are open. Those persons excluded from the right to vote by Section 97.041, Florida Statutes, 1951, are not entitled to vote in municipal elections.

SECTION 2: A person making application for registration as an elector shall take the following oath "I do solemnly swear that I will protect and defend the Constitution of the United States and of the State of Florida, that I am twenty-one years of age, and have been a resident of the State of Florida twelve months, and of this Town six months; that I am a citizen of the United States, and that I am qualified to vote under the laws of the State of Florida, the ordinances of the Town of Bradenton Beach".

SECTION 3. All elections shall be proclaimed by the Mayor at least thirty (30) days prior thereto, and in case of his refusal or omission to make such proclamation, the same shall be made by the Town Clerk; but no want of proclamation shall defeat any General Election of Town Officers. Notice of said proclamation shall be published in a newspaper having

general circulation in said Town once each week for four consecutive weeks, four publications being sufficient, the first publication to be not more than thirty (30) days prior to the election.

SECTION 4: Any elector desiring to run for the office of Mayor or Councilman shall file with the Town Clerk not more than sixty (60) days nor less than twenty (20) days from the date of the election at which they desire to offer as candidates, a petition signed by not less than ten qualified electors who, in the case of the Mayor, reside within the Town at large, and which electors in the case of a Councilman, reside in and are qualified electors of the ward in which the candidate for Councilman resides. It shall be the duty of the Town Clerk to publish a notice not less than two (2) weeks prior to the expiration of the time for the filing of candidates petitions in a newspaper having general circulation in the Town, one publication being sufficient, said notice advising the date of close of the period for filing candidates petitions. The Town Clerk shall preserve in his office all of said petitions filed with him for six months after the election for which such petitions were made.

SECTION 5: A candidate who has filed a petition signed by ten electors and who has otherwise qualified as a candidate pursuant to the Ordinances of the Town, is entitled to have his name printed on the official ballot. No candidate's name shall be printed on the ballot, however, who has notified the Town Clerk in writing, not less than twenty (20) days before the election, duly acknowledged, that he will not accept the office specified in the petition.

SECTION 6: The Town Council shall cause ballots to be printed for all General and Special elections in substantially the same manner and form as provided for such ballots for the nomination for candidates for County and State offices under

the General Laws of the State of Florida, except as to political party designation. There shall be printed as many official ballots as shall be equal to 110% of the registered qualified electors at the voting places.

SECTION 7: The polls shall be opened at the voting places at 7:00 o'clock A. M. on the day of the election and shall be kept open until 7:00 o'clock P. M. of the same day, the time to be regulated by the customary time in standard use in the Town of Bradenton Beach. The inspectors shall make public proclamation of the opening and closing of the polls, and during the election and canvass of the votes the ballot box shall not be concealed.

SECTION 8: Sections 101.011, and 101.041 to 101.101, inclusive; Sections 101.121, 101.131, 101.22, 101.23, and 101.24, Florida Statutes, 1951, are hereby adopted as a means of prescribing the rules and procedure for voting in municipal elections in this Town. Sections 101.61 to 101.69, inclusive, of the Florida Statutes, 1951, are hereby adopted as a means of providing for absentee voting in any authorized elections, general or special, in the Town. The words "Town Council" are hereby substituted for the words "Board of County Commissioners"; the words "Town Clerk" are hereby substituted for the word "Supervisor"; and the words "Town Marshall" are hereby substituted for the word "Sheriff" as the same appear in said Sections of the Florida Statutes, 1951.

SECTION 9: Any person offering to vote at any election, not limited to freeholders of the town, may be challenged by any elector. It shall not be necessary to state any reason or ground therefor. Upon a challenge being entered against the right of any person to vote, it shall be the duty of the inspectors of the election to deliver to such challenged person the following form of affidavit:

STATE OF FLORIDA,
COUNTY OF MANATEE.

I do solemnly swear that my name is _____ that I have been a resident of the Town of Bradenton Beach, Florida, for the past six months and the State of Florida for the past twelve months and that I am a qualified elector of the Town of Bradenton Beach, Florida.

Sworn to and subscribed before me this _____ day of _____ 19____

Inspector of Election

Authority is hereby conferred upon any of the inspectors or clerks to administer the foregoing oath. If the person applying to vote refuses to make and sign the affidavit herein prescribed, the inspector shall refuse to allow him to vote. Upon making the required oath such person shall be permitted to vote unless a majority of the inspectors of the polling place decide that he is not the person he represents himself to be.

In elections limited to freeholders the person so challenged must make further affidavit that he is a freeholder of real estate in the Town.

SECTION 10: Sections 101.71 and 101.72 of the Florida Statutes, 1951, are hereby adopted as a means of prescribing rules for the provision of polling places and voting booths in any authorized elections, general or special, in the Town.

SECTION 11: It shall be the duty of the Town Council before each election to appoint an election inspection board for each precinct in the Town. Each election inspection board shall consist of three intelligible and discreet inspectors and a Clerk, all of whom must be registered qualified electors of the precinct of which they are appointed.

In case of the absence or refusal of any of the inspectors to act as such, the remaining inspectors shall select, or the Mayor shall appoint others who can and will act instantler.

SECTION 12: Before taking or receiving any votes, the Inspectors and Clerk shall take the following Oath: "I----- will well and truly perform the duties of an Inspector (or Clerk) in this Election, according to law, and endeavor to prevent all fraud, deceit and abuse in conducting the same, So help me God."

SECTION 13: The inspectors shall possess full authority to maintain order at the polls and enforce obedience to their lawful commands during an election, and during the canvass of the votes.

SECTION 14: At the close of the election the Inspectors and Clerk shall immediately proceed to open publicly the ballot box and canvass the votes cast at the election, which canvass shall continue without interruption until completed. The ballots are first counted and if the number of ballots exceeds the number of persons voted, as may appear by the poll list kept by the clerk, and by the stubs detached by the inspectors, the ballots are replaced in the box and one of the inspectors shall publicly draw out and destroy unopened as many ballots as are equal to such excess. If two or more ballots are found folded together to present the appearance of a single ballot, they are laid aside until the count is completed, and if, upon comparison of the count, and the appearance of such ballots, a majority of the inspectors are of the opinion that the ballots were voted by one person such ballot shall be destroyed.

In counting the ballots the election inspection board shall use either (a) the tally call system of counting; or (b) a system whereby the ballots are opened and placed in piles according to the candidate voted for, then the number of

ballots in each pile is counted. The ballots are then reshuffled and the process repeated until the total votes cast for each candidate for every office has been determined; and no other system of counting shall be used.

SECTION 15: The canvass being completed the result shall be publicly proclaimed. Duplicate certificates of the results shall be drawn up containing the names voted for and the number of votes cast for each person, and if any question is submitted, the certificate shall also contain the number of votes cast for and against the question. The certificates shall be signed by the Inspectors and Clerk, and one copy of the certificate shall be delivered without delay by one of the inspectors, securely sealed, to the Town Clerk for immediate publication; the remaining copy of the certificate, together with the poll lists, oaths of Inspectors and Clerks shall be securely sealed in the ballot box and delivered to the Town Clerk without delay by one of the Inspectors. All the ballot boxes, ballots, ballot stubs, memoranda and papers of all kind used in the election shall also be transmitted, sealed by the Inspectors, without delay to the Town Clerk.

SECTION 16: The person receiving the highest number of votes for an office shall be declared elected to that office for the term prescribed in the Charter. In case two or more persons shall receive an equal and the highest number of votes for the same office, a new election shall be ordered to fill that particular office, which election shall occur within thirty (30) days.

SECTION 17: Upon the next day after the election it shall be the duty of the Mayor and Town Council to assemble at 12:00 o'clock noon, at the Council Chambers, and inspect the returns of the Inspectors, and declare the result of the election, and enter said result upon the minutes of the Council.

SECTION 18: Whoever is found guilty of wilfull and corrupt swearing or affirming or wilfully and fraudulently subscribes any oath or affirmation, or wilfully and corruptly procures another person to swear or affirm falsely, or subscribes an oath or affirmation in connection with or arising out of voting, registration or elections shall, upon conviction, be punished by a fine of not more than \$250.00 or by imprisonment not exceeding sixty (60) days or both such fine and imprisonment.

SECTION 19: Any person perpetrating or attempting to perpetrate or aid in the perpetration of any fraud in connection with any vote cast or to be cast, or attempted to be cast, shall, upon conviction, be punished by a fine of not more than \$250.00 or by imprisonment not exceeding sixty (60) days or both such fine and imprisonment.

SECTION 20: Any person, including clerks, inspectors, and other officials, who shall wilfully and fraudulently violate any of the provisions of this election code shall be subject to immediate arrest and exclusion from the polls, and replaced by other election officials. Any election official or any other official who wilfully and with bad motive refuses or neglects to perform his duties as prescribed by ordinance, or who performs his prescribed duty fraudulently and corruptly shall, upon conviction, be punished by a fine of not more than \$250.00 or by imprisonment not exceeding sixty (60) days or both such fine and imprisonment.

SECTION 21: All ordinances or parts of ordinances in conflict with this ordinance be and the same are hereby repealed.

PASSED AND ADOPTED this 15 day of April, A. D. 1952.

Attest:

Alvin G. Jones
Town Clerk

Robert J. Jones
ALDERMAN (President of Council)
Howard J. Jones
ALDERMAN

Wm. J. Gorman
ALDERMAN

P. A. Roth
ALDERMAN

Edw. M. English
ALDERMAN

APPROVED BY ME this 11 day of April, 1952.

Edw. M. English
MAYOR

**ORDINANCE 05-380
CITY OF BRADENTON BEACH**

AN ORDINANCE OF THE CITY OF BRADENTON BEACH, FLORIDA AMENDING THE CODE OF ORDINANCES BY ADDING CODE SECTION 22-2, PERTAINING TO ELECTIONS AND SECTION 22-3 PROVIDING FOR EARLY VOTING IN CONCURRENT ELECTIONS AND ABSENTEE VOTING IN NON-CONCURRENT ELECTIONS; PROVIDING FOR EARLY VOTING IN LIMITED CIRCUMSTANCES PROVIDING FOR REPEAL OF INCONSISTENT ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Florida Statutes Section 100.3605, Conduct of Municipal Elections, provides that the Florida Election Code, Chapters 97-106, shall govern the conduct of a municipality's election in the absence of an applicable special act, charter or ordinance provision, and

WHEREAS, Florida Statutes Section 101.657, Early Voting, provides that the Supervisor of Elections shall allow an elector to vote early in the main or branch office of the supervisor for a period to begin on the 15th day prior to the election date unless otherwise specified; and

WHEREAS, the City Commission has determined that for those municipal elections that do not take place concurrent with elections conducted by the Manatee County Supervisor of Elections, facilitation of early voting in accordance with the Florida Election Code would place a substantial financial burden on the City; and

WHEREAS, the City Commission finds that absentee voting provides electors with a reasonable opportunity to cast their ballots prior to the scheduled election day; and

WHEREAS, the City Commission finds that it is in the best interest of the public to address early voting by City ordinance.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION
OF THE CITY OF BRADENTON BEACH, FLORIDA, THE FOLLOWING:**

Section 1. Findings of Fact. The above whereas clauses are adopted herein as findings of fact.

Section 2. New Language. The City of Bradenton Beach Code of Ordinances is hereby amended by adding new Section 22-2 to read in its entirety as follows:

Section 22-2. Conduct of Municipal Elections. Municipal elections within the City of Bradenton Beach shall be governed and controlled by the provisions of the Florida Election Code except in those instances where this code or the City of Bradenton Beach Charter expressly addresses a particular matter.

Section 3. New language. The City of Bradenton Beach Code of Ordinances is hereby amended by adding a Section 22-3 to read in its entirety as follows:

Section 22-3. Early Voting. For those City elections taking place concurrent with elections conducted by the Manatee County Supervisor of Elections, early voting shall be permitted in accordance with Florida Statutes, Section 101.657 and procedures established by the Manatee County Supervisor of Elections. For those elections taking place at times other than those concurrent elections 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 applicable provisions of the Florida Election Code.

Section 4. Repeal of Ordinances. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 5. Severability. If any section, subsection, paragraph, sentence clause or phrase in this ordinance shall be held invalid by a court of competent jurisdiction, then such invalidity shall not affect the remaining portion hereof.

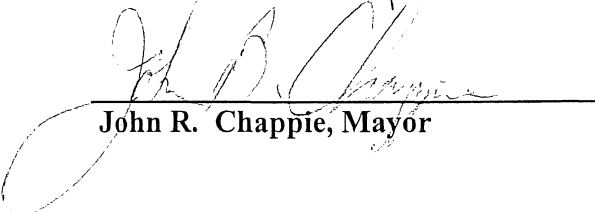
Section 6. Effective date. This ordinance shall take effect on adoption by the City Commission.

FIRST READING: March 17, 2005

PUBLICATION DATE: March 25, 2005

SECOND READING: April 7, 2005

PASSED AND ADOPTED THIS 7th DAY OF April 2005.


John R. Chappie, Mayor

Attest:


Nora Idso, City Clerk