

ORDINANCE 2009-012

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF HOWEY-IN-THE-HILLS, LAKE COUNTY, FLORIDA, AMENDING CHAPTER 13 OF THE TOWN'S CODE OF ORDINANCES PERTAINING TO "ELECTIONS"; AMENDING THE POWERS AND DUTIES CONFERRED BY THE STATE ELECTION LAW UPON THE CHIEF OF POLICE; AMENDING THE DEADLINE TO FILE THE QUALIFYING PETITION AND QUALIFICATION PAPERS WITH THE TOWN CLERK; ; AMENDING THE TOWN CLERK'S DUTIES REGARDING ELECTION RESULTS; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF HOWEY-IN-THE-HILLS, LAKE COUNTY, FLORIDA:

Section 1. Amendments to the Code of Ordinances. Chapter 13 of the Town of Howey-in-the-Hills Code of Ordinances is hereby amended as indicated by the underlined and strike through language to read as follows:

Sec 13-1 Conduct of Elections

The provisions of the State Election Law are here by adopted for the conduct of Town elections, where not in conflict with this chapter. ~~The powers and duties conferred by the State Election Law upon the Sheriff in State Elections are hereby conferred upon the Chief of Police in Town Elections.~~ Town Elections will be conducted in conformity with State Statute.

Sec 13-2 Election Date

On the first Tuesday following the first Monday in November of each even-numbered year, an election shall be held by the qualified electors of the Town.

Sec 13-3 Election Proclamation

The Mayor shall issue a proclamation ordering all elections, both General and Special, to be held, stating therein the time and place and naming the different offices to be filled or questions to be decided. He shall cause the Proclamation to be published once in each week for two consecutive weeks immediately preceding the day of holding said election in a newspaper published in the Town, or posted in the Town, the first publication or posting to be not less than 14 days prior to the election.

Sec 13-4 Special Elections

Special Elections may be called by the Mayor or any Mayor Pro Tempore, at any time when directed by the Town Council. The manner of holding any Special Election, and the notice thereof, shall be the same as provided for ~~annual~~ General Elections; however, no Special Election shall be called to fill any vacancy unless 180 days shall intervene between the occurrence of such vacancy and the next General Election.

Sec 13-5 Nominating Petitions

~~A.~~ Any qualified ~~elector~~ candidate of the Town may be nominated for elective office by written petition signed by at least 25 electors who are qualified to vote in said election. The qualifying petition and any other required qualification papers shall be filed with the Town Clerk no earlier than noon, the 92nd day prior to the date of the General or Special Election, but not later than noon of the 81st day prior to the date of the General or Special Election date for which qualifying is being sought. ~~60th day prior to the first primary, but not later than noon of the 46th day prior to the date of the first primary to be held in the year of election.~~

~~B. The Town Clerk shall present all nominating petitions to the Town Council for approval.~~

Sec 13-6 ~~Preservation of Nominating Petitions.~~ Reserved.

~~_____The Town Clerk shall cause to be preserved in the town office all petitions of nominations filed under the provisions of this chapter for six months after the election for which such nominations are made.~~

Sec 13.7 Acceptance of Nomination Prerequisite to Name Appearing on Ballot

No person's name shall be printed on the official ballot who has, within the time prescribed for qualifying, notified the Town Council, in writing, in an instrument acknowledged before an officer authorized by law to take acknowledgments, that he will not accept the nomination.

Secs. 13-8, 13-9. Reserved

Sec. 13-10 Hours of Operation of Polls

Polls shall be open from 7:00 a.m. to 7:00 p.m. for all municipal elections.

Sec. 13-11 Election Results;~~Certification of Results.~~

~~Upon the canvass of the vote being completed, tThe election result shall be publicly proclaimed by the Town Clerk, and the inspectors and Clerk shall thereupon prepare duplicate certificates of the result of such election, one of which shall be transmitted to the Mayor and the other to the Town Council. The certificates shall contain the name of each candidate for each office and the number of votes cast for each person for such office and shall be authenticated and certified by the Clerk and the inspectors of the election. The Town Clerk~~

~~shall forthwith enter the same in a book kept for that purpose, and, within one day after he shall have ascertained the result of such election, he shall furnish his certificate to each person elected.~~

The Town Clerk shall furnish the election results to the Town Council and the person(s) elected upon receiving said results from the Lake County Supervisor of Elections.

Sec 13-12 Qualification of Elected Officers; Oath of Office

All officers elected at any Town election shall ~~qualify and~~ take the oath of office within 40 days after the election.

Sec 13-13 Term of Office

The official terms of elective officers of the town shall begin at the first regular Town Council meeting in December of each year.

Sec 13-14 Early Voting Opt Out

The town exercises its right to exempt itself from the provisions of F.S. § 101.657 as to all municipal elections. The Town Council shall retain the ability to conduct early voting or contract with the Lake County Supervisor of Elections to conduct early voting as and when the Town Council determines early voting would be in the best interest of the town.

Section 2. Codification. The provisions of this ordinance shall be codified and incorporated into the Code of Ordinances of the Town of Howey-in-the-Hills, Lake County, Florida.

Section 3. Ratifying Unamended Code Sections. All unamended provisions of the Code of Ordinances shall remain unchanged, ratified, and confirmed by this ordinance.

Section 4. Severability. If any section, sentence, clause, or phrase of this ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portion of this ordinance.

Section 5. Effective Date. This ordinance shall become effective immediately upon its passage and approval as a non-emergency ordinance at two regular meetings of the Town Council.

PASSED AND ORDAINED this ____ day of _____, 2009, by the Town Council of the Town of Howey-in-the-Hills, Florida.

Chris Sears, Mayor

ATTEST:

APPROVED AS TO FORM AND LEGALITY
for use and reliance by the Town of Howey-in-the-Hills, Florida, only.

Brenda Brasher, CMC
Town Clerk

Heather M. Blom-Ramos
Assistant Town Attorney

First Reading held July 13, 2009

Second Reading and Adoption held August 10, 2009_____