

ORDINANCE NO. 2014- 07

**AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF WAKULLA COUNTY, FLORIDA, PROVIDING FOR A REFERENDUM ELECTION TO BE HELD ON NOVEMBER 4, 2014, FOR THE PURPOSE OF DETERMINING WHETHER THE WAKULLA COUNTY CHARTER SHOULD BE AMENDED TO REQUIRE NONPARTISAN ELECTION OF ALL ELECTED COUNTY OFFICIALS, WHICH INCLUDES THE BOARD OF COUNTY COMMISSIONERS, THE CLERK OF COURT, THE SUPERVISOR OF ELECTIONS, THE TAX COLLECTOR, THE PROPERTY APPRAISER, AND THE SHERIFF; PROVIDING FOR NOTICE OF THE REFERENDUM ELECTION; PROVIDING FOR THE TITLE AND SUBSTANCE OF THE BALLOT MEASURE; PROVIDING FOR ABSENTEE BALLOTS; PROVIDING FOR APPOINTMENT OF ELECTION BOARDS; PROVIDING FOR CANVASSING BOARD CERTIFICATION OF RESULTS; AND PROVIDING AN EFFECTIVE DATE.**

**RECITALS:**

**WHEREAS**, under Article VIII, Section I, Florida Constitution, charter counties shall have all powers of local self-government not inconsistent with general law, or with special law approved by vote of the electors; and

**WHEREAS**, the Board of County Commissioners of Wakulla County, Florida (the "Board") enacted the Wakulla County Home Rule Charter, which was subsequently approved by a referendum vote on November 4, 2008 (the "Charter"); and

**WHEREAS**, currently all elected County officials, with the exception of School Board members, are elected under a partisan election; and

**WHEREAS**, the Board wishes to amend the Charter to require the Board of County Commissioners, Clerk of Court, Property Appraiser, Sheriff, Supervisor of Elections, and the Tax Collector (collectively the "Elected County Officials") be elected under a nonpartisan election in accordance with the procedures established herein (the "Proposed Charter Amendment"); and

**WHEREAS**, Section 7.3.1 of the Charter authorizes the Board, upon a supermajority vote, to propose by ordinance amendments or revisions to the Charter not inconsistent with the State Constitution or with general law; and

**WHEREAS**, in accordance with Section 7.3.3 of the Charter, the Board is now required

to call a referendum on the Proposed Charter Amendment for approval during the next general election scheduled more than 90 days after the Proposed Charter Amendment is validated; and

**WHEREAS**, the Board now desires to call a referendum election to present the Proposed Charter Amendment to the general electorate of the County for consideration.

**NOW THEREFORE, BE IT ORDAINED** by the Board of County Commissioners of Wakulla County, Florida, that:

**ARTICLE 1. INCORPORATION OF RECITALS.** The above recitals are true and correct and are hereby incorporated by reference.

**ARTICLE 2. PROPOSED CHARTER AMENDMENT.** In the event the Proposed Charter Amendment is approved by a majority vote at the referendum as called for in this Ordinance, a new Section 7.6 of the Charter shall be adopted as follows:

Section 7.6 – Nonpartisan Elections.

7.6.1. Nonpartisan Offices. All elected County officials, which shall include all County Commissioners, the Clerk of Court, the Property Appraiser, the Sheriff, the Supervisor of Elections, and the Tax Collector shall be nonpartisan offices elected through nonpartisan elections, no candidate shall be required to pay any party assessment or be required to state the party of which the candidate is a member. All qualified candidates' names shall be placed on ballot without reference to political party affiliation.

7.6.2. Nonpartisan Elections Procedures.

Unopposed Candidates: The name of an unopposed candidate shall not appear on any ballot and such candidate shall be deemed to have voted for herself or himself at the general election.

Two Qualified Candidates: If only two candidates, neither of whom is a write-in candidate, qualify for any of the offices outlined in Section 7.6.1. above, the names of those candidates shall be placed on the general election ballot.

Three or More Qualified Candidates: If three or more candidates, neither of whom is a write-in candidate, qualify for any of the offices outlined in Section 7.6.1. above, the names of those candidates shall first be placed on the ballot at the primary election. If any candidate for such office receives a majority of the votes cast for such office in the primary election, the name of the candidate who receives such majority shall not appear on any other ballot unless a write-in candidate has qualified for such office. If no candidate for such office receives a majority of the votes cast for such

office in the primary election, the names of the two candidates receiving the highest number of votes for such office shall be placed on the general election ballot. If more than two candidates receive an equal and highest number of votes, the name of each candidate receiving an equal and highest number of votes shall be placed on the general election ballot. In any contest in which there is a tie for second place and the candidate placing first did not receive a majority of the votes cast for such office, the name of the candidate placing first and the name of each candidate tying for second shall be placed on the general election ballot.

The candidate who receives the highest number of votes cast for such office in the general election shall be elected to such office. If the vote at the general election results in a tie, the outcome shall be determined by lot.

7.6.3. Qualification. A candidate for nonpartisan office shall qualify for election to such office by means of either the petitioning process, the payment of a filing fee and an election assessment, or any other means provided in general law.

### **ARTICLE 3. REFERENDUM.**

(A) A referendum election is called and ordered to be held in conjunction with the general election on November 4, 2014 (the "November Election"), throughout Wakulla County, Florida, for the purpose of determining whether the Proposed Charter Amendment shall be adopted.

(B) The referendum election shall be held between the hours of 7:00 a.m. and 7:00 p.m. at the same polling places established in Wakulla County for the November Election to be held on said date, and all electors of the County shall be eligible to vote in the referendum election.

**ARTICLE 4. NOTICE.** As required by Section 100.342, Florida Statutes, at least 30 days' notice of the forthcoming referendum, including its purpose and eligibility requirements for voting, shall be published by the Board in a newspaper of general circulation in the County at least twice, once in the fifth week and once in the third week prior to the week in which the election is to be held. Such notice shall contain the text of the proposed ballot question.

**ARTICLE 5. BALLOT LANGUAGE.** The wording and title of the proposition to appear on the ballot on the date of the November Election, as embodied in this Ordinance, shall be as follows:

### **CHARTER AMENDMENT PROVIDING FOR NONPARTISAN ELECTION OF ALL ELECTED COUNTY OFFICIALS**

**Shall the charter of Wakulla County, Florida, be amended to require that County Commissioners, the Clerk of Court, the Property Appraiser, the Sheriff, the Supervisor of Elections, and the Tax Collector be nonpartisan offices chosen by vote of the electors in a nonpartisan election instead of one indicating a political party affiliation?**

\_\_\_\_\_ **Yes**

\_\_\_\_\_ **No**

**ARTICLE 6. ABSENTEE BALLOTS.** Absentee ballots for said referendum election shall be prepared and made available as provided by law.

**ARTICLE 7. ELECTION BOARDS.** The election boards consisting of the clerks and inspectors appointed to serve for the November Election are hereby appointed to serve in the referendum election.

**ARTICLE 8. CANVASSING BOARD.**

(A) Upon conclusion of the election, the election canvassing board shall deliver the certificates of results, in the manner prescribed by law and appropriate rules and regulations, to the appropriate officials as designated in Section 101.5614, Florida Statutes.

(B) The Wakulla County Canvassing Board shall canvass the returns in said election and shall, as provided by law, certify the results of such referendum to the Board and to the Department of State of the State of Florida to be recorded in appropriate public records.


**ARTICLE 9. CODIFICATION IN THE COUNTY CHARTER.** It is the intention of the Board, and it is hereby ordained that the provisions of this Ordinance shall become and be made a part of the Wakulla County Charter, if approved by a majority of the electors voting at the November 4, 2014 General Election.

**ARTICLE 10. SEVERABILITY.** Should any section or provision of this Ordinance or any portion thereof, or any paragraph, sentence, or word be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the remainder hereof other than the part declared to be invalid.

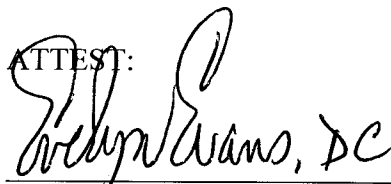
**ARTICLE 11. EFFECTIVE DATE.** A certified copy of this Ordinance shall be effective 10 days after its enactment by the Board and filing with the Department of State.

PASSED AND DULY ENACTED on this 14 day of July, 2014.

WAKULLA COUNTY  
BOARD OF COUNTY COMMISSIONERS

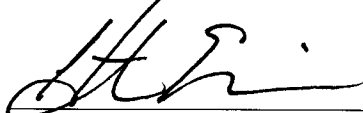
  
Richard Harden, Chairman

ATTEST:

  
Brent X. Thurmond

70  
Clerk of Court

APPROVED AS TO FORM:



Heather J. Encinosa  
County Attorney



## FLORIDA DEPARTMENT *of* STATE

**RICK SCOTT**  
Governor

**KEN DETZNER**  
Secretary of State

July 17, 2014

Mr. Brent X. Thurmond  
Clerk of Circuit and County Courts  
Wakulla County  
3056 Crawfordville Highway  
Crawfordville, Florida 32327

Attn: Ms. Evelyn Evans, Deputy Clerk

Dear Mr. Thurmond:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your electronic copy of Wakulla County Ordinance No. 2014-07, which was filed in this office on July 16, 2014.

Sincerely,

Liz Cloud  
Program Administrator

LC/elr