

ORDINANCE 1 - 20

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CAPE CORAL, FLORIDA, AMENDING THE CHARTER, ARTICLE IV, GOVERNMENT, SECTION 4.03, ELECTION AND TERMS, AMENDING THE DATE FOR THE PRIMARY ELECTIONS TO BE HELD ON THE TUESDAY ELEVEN WEEKS PRIOR TO THE GENERAL ELECTION; PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, Section 100.061, Florida Statutes, Primary Elections, was amended, effective July 1, 2019, to state that a primary election shall be held on the Tuesday eleven (11) weeks prior to the general election; and

WHEREAS, Section 4.03 of the City of Cape Coral's Charter provides for a primary election to be held on the Tuesday ten (10) weeks prior to the general election; and

WHEREAS, Section 166.021, Florida Statutes, provides that municipalities may exercise home rule powers to amend their charter to change elections dates and qualifying periods for candidates and changes in terms of office necessitated by such changes in election dates without holding a referendum.

WHEREAS, Section 100.3605, Florida Statutes, provides that the governing body of a municipality may, by ordinance, change the dates of qualifying and for the election of members of the governing body of the municipality and provide for the orderly transition of office resulting from such date changes.

NOW, THEREFORE, THE CITY OF CAPE CORAL HEREBY ORDAINS THIS ORDINANCE AS FOLLOWS:

SECTION 1. The Charter of the City of Cape Coral, Florida, Article IV Government, Section 4.03 Election and terms, is hereby amended to read as follows:

ARTICLE IV. GOVERNMENT

4.03. Election and terms.

- (a) A Primary Election and a General Election are to be held pursuant to law. The General Election date for councilpersons from Districts 2, 3, 5, and 7 shall be held on the first Tuesday after the first Monday in November in even numbered years beginning in November 2020 and every fourth year thereafter. Councilpersons for Districts 1, 4, and 6 and the Mayor shall be elected at the general election held on the first Tuesday after the first Monday beginning in November in even numbered years beginning in November 2022, and every fourth year thereafter. The implementation of this change in election dates shall result in a one-time extension to the terms of office for current elected councilpersons in Districts 2, 3, 5, and 7 from November, 2019 to the first regular meeting of the Council after the date of the election in November, 2020, and for current elected councilpersons in Districts 1, 4, and 6, and the Mayor from November, 2021 to the first regular meeting of the Council after the date of the election in November, 2022. Primary Elections shall be held on the Tuesday ~~ten (10)~~ eleven (11) weeks prior to the general election.
- (b) . . .

SECTION 2. Severability. In the event that any portion or Section of this ordinance is determined to be invalid, illegal or unconstitutional by a court of competent jurisdiction, such decision shall in no manner affect the remaining portions or Sections of this ordinance which shall remain in full force and effect.

SECTION 3. Effective Date. This ordinance shall become effective immediately after its adoption by the Cape Coral City Council.

ADOPTED BY THE COUNCIL OF THE CITY OF CAPE CORAL AT ITS REGULAR SESSION THIS 3rd DAY OF February, 2019.



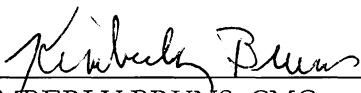
JOE COVIELLO, MAYOR

VOTE OF MAYOR AND COUNCILMEMBERS:

COVIELLO aye
GUNTER aye
CARIOSCIA aye
STOUT excused


NELSON aye
WELSH aye
WILLIAMS aye
COSDEN aye

ATTESTED TO AND FILED IN MY OFFICE THIS 7th DAY OF February, 2019.



KIMBERLY BRUNS, CMC
CITY CLERK

APPROVED AS TO FORM:



DOLORES D. MENENDEZ
CITY ATTORNEY
ord/Election - Primary Dates