

ORDINANCE NO. 25-O-13

AN ORDINANCE OF THE CITY OF TALLAHASSEE, FLORIDA, AMENDING CHAPTER 7 (ELECTIONS) OF THE CODE OF GENERAL ORDINANCES BY DELETING IT IN ITS ENTIRETY AND SUBSTITUTING NEW PROVISIONS IN ITS STEAD; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

NOW, THEREFORE, BE IT ENACTED BY THE PEOPLE OF THE CITY OF TALLAHASSEE, FLORIDA, AS FOLLOWS:

Section 1. Chapter 7 of the Code of General Ordinances of the City of Tallahassee, Florida, shall be amended by deleting it in its entirety and substituting new provisions in its stead as follows:

**Chapter 7 - Elections**

**Article I. In General**

Sec. 7-1. Short title.

This chapter shall be known as the "Tallahassee Municipal Election Code".

Sec. 7-2. Applicability of state election laws.

Except where mentioned in the charter or ordinances of the city, the Florida Election Code, Chapters 97-106 of the Florida Statutes, shall govern the conduct of elections where applicable.

Sec. 7-3. Non-partisan elections.

All nominations and elections for the office of mayor or city commissioner shall be conducted on a nonpartisan basis.

Sec. 7-4. Voter registration.

(a) The Supervisor of Elections of Leon County shall be the official holder of the voter registration records for the City of Tallahassee.

(b) The electors of the city of Tallahassee shall consist of all individuals residing within the corporate limits of the City of Tallahassee who are otherwise qualified and registered to vote in accordance with the Florida Election Code.

(c) Upon the adoption of an annexation or contraction ordinance, the city treasurer-clerk shall transmit a copy of said ordinance to the supervisor of elections within ten business days after adoption.

Secs. 7-5—7-20. Reserved.

## ARTICLE II. CANDIDATES

Sec. 7-21. Eligibility for Qualification as Candidate for Office of Mayor or City Commissioner

(a) In addition to any other requirements set forth in the Florida Election Code for municipal candidates, each person seeking candidacy for the office of mayor or city commissioner shall have been at the time of qualifying a registered elector of the City of Tallahassee for at least 365 days prior to the first day of the qualifying period preceding the general election for which the candidate seeks to qualify.

(b) For qualifying purposes, a registered elector residing in an area annexed into the corporate limits of the City of Tallahassee shall be deemed a resident of the City and shall be eligible to become a candidate for nomination to the office of mayor or city commissioner, provided the person has been a registered elector of either the City or an annexed area, or any combination thereof, for at least 365 days prior to the first day of the qualifying period preceding the general election for which the candidate seeks to qualify.

(c) The voter registration records of the Leon County Supervisor of Elections shall be the basis for determining eligibility under this section.

(d) Any member of the city commission who has resigned or is otherwise removed from office prior to the end of his or her term is ineligible to be appointed to the unexpired portion of the term of his or her original term of office. However, nothing in this section shall prevent a member of the Commission from qualifying for or being elected to a different seat on the Commission pursuant to the §99.012, F.S. or prevent a member from being appointed to fill a vacant seat on the Commission.

Sec. 7-22. Municipal Qualifying Period.

The qualifying period for a City of Tallahassee general election shall run concurrently with the qualifying period established by the Florida Election Code for county candidates.

Sec. 7-23. Methods of Qualifying.

(a) Any person who seeks to qualify as a candidate for the office of mayor or city commissioner shall file his or her qualification papers with the qualifying officer in accordance with the Florida Election Code for non-partisan local candidates. As part of the qualification papers, candidates shall provide a sworn affidavit in the following format:

1 State of Florida

2 County of Leon

3 Before me, an officer authorized to administer oaths and take acknowledgments,  
4 personally appeared \_\_\_\_\_, who being first duly sworn says that he or she is a  
5 candidate for Seat No. \_\_\_\_\_ in the municipal election held in the year 20\_\_ and has  
6 been a registered elector of the City of Tallahassee, or of an area annexed into the  
7 corporate limits of the City of Tallahassee, or any combination thereof, for the period of  
8 at least 365 days prior to the first day of the qualifying period.

9 \_\_\_\_\_  
10 (Signature of Candidate)

11  
12 Sworn to and subscribed before me this \_\_\_\_\_ day of \_\_\_\_\_, A.D., 20\_\_, in Leon  
13 County, Florida.

14 \_\_\_\_\_  
15 NOTARY PUBLIC

16  
17 (b) As part of the qualifying papers, candidates must pay an election assessment equal to 1%  
18 of the salary of the office sought, along with a filing fee equal to 3% of the salary of the office  
19 sought.

20 i. A candidate who declares an undue financial burden and files a written  
21 certification of such in compliance with the Florida Election Code is exempt from paying the  
22 election assessment.

23 ii. A candidate who gathers and has certified the requisite number of candidate  
24 petitions in accordance with the Florida Election Code is exempt from paying the filing fee. The  
25 petition shall be the form prescribed by §99.095, F.S.

26 iii. A candidate who seeks to qualify as a write-in candidate in accordance with the  
27 Florida Election Code is not required to pay the election assessment or filing fee. A write-in  
28 candidate is not entitled to have their name printed on the ballot.

29 (c) For purposes of computing election assessments and filing fees, the qualifying officer  
30 shall use the salary of the office as of July 1st immediately preceding the qualifying period.

31 (d) The qualifying officer shall remit the election assessment in accordance with the Florida  
32 Election Code.

33 (e) Filing fees in the custody of the Leon County Supervisor of Elections Office, collected  
34 while acting as qualifying officer for a City election, shall be remitted to the City Treasurer-  
35 Clerk within 30 days after the end of the qualifying period. The filing fees shall be deposited  
36 into the city's general fund and shall defray the costs of elections.

(f) If a candidate withdraws before the end of the qualifying period, the filing fee shall be returned to the candidate. If a candidate dies, withdraws, or is removed from the ballot after the qualifying period concludes, the filing fee shall not be returned to a candidate.

Sec. 7-24. Vacancy in candidacy.

(a) Pursuant to §14 of the City Charter, if no candidate qualifies for an office during the qualifying period, that office shall be deemed vacant as of midnight on the date of the reorganization meeting required by §17 of the City Charter. Said office shall be filled by appointment in accordance with §14 of the City Charter, and the person appointed shall meet the eligibility requirements set forth in §7-21 of the Code. Upon taking office the appointee shall serve until the date of the reorganization meeting following the next general election, and said office shall be opened for qualifying at the next regularly scheduled qualifying period.

(b) If the withdrawal, death, or removal of a qualified candidate following the end of the qualifying period results in only one candidate remaining for that office, the remaining candidate shall be deemed an unopposed candidate and declared elected, and no election for that office shall be required.

(c) If the withdrawal, death, or removal of a qualified candidate following the end of the qualifying period results in no candidates for an office, and the primary election has not concluded, qualifying shall be reopened to allow candidates to qualify for election to that office. The supplemental qualifying period shall begin at noon on the Monday immediately after the primary election and end at noon on the Tuesday immediately after the primary election. All eligible persons who qualify pursuant to this subsection shall stand for election at the general election. If no person qualifies for the office during the supplementary qualifying period, the office shall be deemed vacant and shall be filled in accordance with (a) above.

(d) If the death, withdrawal, or removal of a qualified candidate following the end of the qualifying period results in no candidates for an office, and the primary election has concluded, no candidate shall be elected and the office shall be deemed vacant as of midnight on the date of the reorganization meeting required by §17 of the City Charter, and shall be filled in accordance with the City Charter.

Secs. 7-25—7-40. Reserved.

### **ARTICLE III. ELECTION ADMINISTRATION**

Sec. 7-41. Chief elections officer.

(a) The City Treasurer-Clerk is hereby designated the chief elections officer of the city.

(b) Regularly Scheduled Elections: For municipal elections held concurrent with a state or federal election, the city commission shall contract with the Leon County Supervisor of Elections for the conduct of elections for the City of Tallahassee.

Said contract shall designate the Supervisor of Elections as the chief elections officer for such elections. The Supervisor shall serve as the qualifying officer and financial reporting officer for municipal primary and general elections held concurrent with a state or federal election, and candidates shall submit all papers, filings, and reports required by law or ordinance directly to the supervisor.

(c) Standalone Elections: For municipal special elections not held concurrent with a state or federal election, the city commission may contract with the Supervisor of Elections to provide any or all election services necessary to conduct a standalone municipal special election. Any such contract shall set out the duties and responsibilities of the city, city treasurer-clerk, and supervisor of elections with respect to the conduct of said election and shall specify expenses related to the conduct of the election which are eligible for reimbursement. At least 60 days prior to any such standalone election, the City Commission shall adopt, by resolution, procedures for the canvassing of the returns and processing and canvassing of vote-by-mail ballots, if any. Any such procedures shall be approved by the Supervisor of Elections prior to adoption.

#### Sec. 7-42. Election dates.

Pursuant to City Charter § 120, the municipal general election shall be held concurrent with the state and federal general election. The municipal primary election, if one is required to be conducted per this chapter, will be held concurrent with the state and federal primary election conducted per §100.061, F.S.

#### Sec. 7-43. Primary Elections.

(a) The name of an unopposed candidate for an office shall not appear on the primary or general election ballot, and such candidate shall be deemed to have voted for himself/herself at the general election, and shall be declared elected to the office sought.

(b) In any contest where three or more persons qualify as candidates for an office, none of whom are write-in candidates, a primary election for that office shall be held. If fewer than three candidates qualify for an office, than no primary election shall be held for that office.

(c) If any candidate for office receives a majority of the votes cast in the primary election, and there are no qualified write-in candidates, the candidate who receives such majority in the primary election shall be declared elected to that office.

(d) If no candidate for an office is elected pursuant to (c) in the primary election, the two candidates receiving the highest number of votes for such office shall advance to the general election. If more than two candidates receive an equal and highest number of votes, each candidate receiving an equal and highest number of votes shall advance to the general election.

(e) In any contest in the primary election in which there is a tie for second place and the candidate placing first was not elected pursuant to (c), the candidate receiving the highest number of votes and each candidate tying for second place shall advance to the general election.

1 Sec. 7-44. General Elections.

2 (a) If a primary election was held for a contest, each candidate from the primary election  
3 who advanced to the general election shall appear on the general election ballot for that contest.

4 (b) If no primary election was required to be held for a contest, each candidate who qualified  
5 and who is not a qualified write-in candidate shall have their name appear on the general election  
6 ballot for that contest.

7 (c) If one or more write-in candidates qualified in a contest, then that contest on general  
8 election ballot shall include a space to write in the name of a write-in candidate.

9 (d) The candidate receiving the highest number of votes in each contest in the general  
10 election shall be declared elected to office.

11 (e) If the vote at the general election results in a tie, the outcome shall be determined by the  
12 drawing of lots. The drawing shall be conducted by the chair of the county canvassing board and  
13 shall be conducted at a duly noticed public meeting to be held as soon as practicable after the  
14 canvassing board has certified the results of the election.

15  
16 Sec. 7-45. Precincts.

17 Those precincts approved by the board of county commissioners pursuant to §101.001, F.S.,  
18 lying within the corporate limits of the city, are hereby designated as the city precincts to be used  
19 in city elections. This subsection constitutes the concurrence of the city to the conforming of the  
20 precinct boundaries to the boundaries of the city, per §101.002, F.S.

21  
22 Sec. 7-46. Polling places.

23 For a standalone municipal election not held concurrent with a state or federal election, the city  
24 commission shall, by resolution adopted at least forty-five (45) days prior to any standalone  
25 special municipal election, designate the polling place for each city precinct. The location of  
26 polling places for standalone municipal elections shall be advertised as required by state law.

27  
28 Secs. 7-47—7-60. Reserved.

29 **ARTICLE IV. CANVASSING**

30 Sec. 7-61. Canvassing board; municipal elections held concurrent with a state or federal election.

31 For any municipal election held concurrent with a state or federal election, the Leon County  
32 Canvassing Board shall canvass the returns and the result as shown by such returns shall be  
33 declared as the result of the election in accordance with the Florida Election Code.

1 Sec. 7-62. Canvassing board; standalone municipal election.

2 (a) For standalone municipal special elections, the city commission shall serve as the city  
3 canvassing board. The presence of any three members of the board shall constitute a quorum.

4 The city canvassing board shall convene a meeting at Noon on the day following a standalone  
5 municipal election to begin canvassing the returns of the election in accordance with the Florida  
6 Election Code. The board may meet again to complete additional business as required by the  
7 Florida Election Code.

8 (b) Immediately after the city canvassing board has canvassed the returns, resolved any  
9 challenges, and ascertained the results, the city treasurer-clerk shall prepare a certificate of  
10 official returns for each contest that appeared on the ballot. The certificate, once adopted by  
11 majority vote of the canvassing board, shall be signed by each member of the canvassing board  
12 present during the certification and filed in the permanent records of the city.

13  
14 Sec. 7-63. Oath of Office.

15 Each member of the Tallahassee City Commission, and each Charter Officer, after being duly  
16 elected or appointed to their office but before commencing their duties, shall take and subscribe  
17 to the following oath of office at an open and public meeting before an officer authorized to  
18 administer oaths and take acknowledgments:

19  
20 "I do solemnly swear (or affirm) that I will support, protect, and defend the Constitution  
21 and Government of the United States and the State of Florida, and the Charter of the City  
22 of Tallahassee; that I am duly qualified to hold office under the Constitution of the state  
23 and the City Charter; and that I will well and faithfully perform the duties of the office  
24 upon which I am now about to enter."

25  
26 Secs. 7-64—7-80. Reserved.

## 27 28 **ARTICLE V. CHARTER AMENDMENT BY INITIATIVE**

29 Sec. 7-81. Charter amendment by Initiative.

30 (a) Petitions for amendments to the City Charter as provided in §166.031, F.S. shall be  
31 received only if accompanied by a certificate from the supervisor of elections stating that the  
32 Supervisor has verified the signatures in accordance with the Florida Election Code and that the  
33 sponsor has gathered valid signatures of registered city electors equal to at least ten percent of  
34 the total number of registered city electors as of the preceding general election. The cost of such  
35 verification shall be paid in advance by the parties submitting the petitions.

36 (b) Each city charter amendment successfully proposed by petition shall be placed on the  
37 ballot, by resolution of the City Commission, at the next general election held within the  
38 municipality or at a special election called for such purpose. However, if said amendment

1 achieves ballot position in the period between the date of a municipal primary and a municipal  
2 general election, the amendment shall not appear on the ballot for that municipal general  
3 election, and shall appear on the ballot at a subsequent election.

4  
5 Section 2. Division 2, Section 2-2 (Charter amendment petitions) of the Code of General  
6 Ordinances of the City of Tallahassee, Florida, is hereby deleted in its entirety and shall be  
7 Reserved. Section 7-81 (Charter amendment by Initiative) above is hereby substituting new  
8 provisions in its stead.

9  
10 Section 3. Conflicts. All ordinances and parts of ordinances of the City of Tallahassee,  
11 Florida, in conflict with the provisions of this ordinance are hereby repealed to the extent of such  
12 conflict.

13  
14 Section 4. Severability. If any provision or portion of this ordinance is declared by any  
15 court of competent jurisdiction to be void, unconstitutional, or unenforceable, then all remaining  
16 provisions and portions of this ordinance shall remain in full force and effect.

17  
18 Section 5. Effective Date. This ordinance shall become effective immediately upon its  
19 passage.

20  
21  
22 INTRODUCED in the City Commission on the 14<sup>th</sup> day of May, 2025.

23  
24 PASSED by the City Commission on the 11<sup>th</sup> day of June, 2025.

25  
26 CITY OF TALLAHASSEE

27  
28  
29  
30 By: \_\_\_\_\_  
31 John E. Dailey  
32 Mayor  
33

34  
35 ATTEST:

36 APPROVED AS TO FORM:

37  
38  
39 By: \_\_\_\_\_  
40 James O. Cooke, IV  
41 City Treasurer-Clerk

40 By: \_\_\_\_\_  
41 Amy M. Toman  
City Attorney