

TAB 2

SUPERVISOR OF ELECTIONS

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James R Freeman
City Clerk
City of Palmetto
Post Office Box 1209
Palmetto, FL 34220-1209

Delivered via Fax (941-723-4576)

Dear Jim,

In preparing for the 2010 election cycle where the City of Palmetto will be "piggy backing" on the November 2nd General Election, we realize that the city's charter (section 12-7) reflects a qualifying period "anytime after noon on the 50th day prior to the first state, county or special district primary election, but no later than noon on the 46th day prior to the first state, county or special district primary election." The Florida election code has been changed in regards to when the qualifying period shall be held as well as the date of the primary election. Per F.S. 99.061, the qualifying period begins at noon of the 71st day prior to the primary election (F.S. 100.061, the Tuesday 10 weeks prior to the general election, August 24, 2010) and ends not later than the 67th day prior to the primary election.

If you would like the Office of the Supervisor of Elections to continue to perform the qualifying of candidates for City of Palmetto Elections you will need to change your charter reflecting the change to the Florida election code; I would imagine this can be easily accomplished by ordinance.

I know you will have to bring this matter before city council. In the meantime, if you have any questions, please do not hesitate to contact me or my assistant Nancy.

I look forward to hearing from you.

Sincerely,



Robert (Bob) Sweat
Supervisor of Elections



RECYCLED
PAPER

Protect the Manatee..

Chapter 12

ELECTIONS*

Sec. 12-1. Adoption of state election law.

It is the intent of this chapter to regulate and conduct the registration of electors and conduct of elections, general and special, of the city pursuant to the Florida Election Code. To that end, in any instance where not otherwise expressly provided for herein or in the City Charter, registration of electors, registration procedures, qualification for office and campaigning expenses and procedures, contest of elections, conduct of all elections, canvassing and certification of returns, methods and procedures for voting, and all other related matters within the purview of this chapter shall be governed and controlled by the provisions of the Florida Election Code. If any section or provision of Florida Statutes herein referred to shall be re-numbered, then this chapter shall be deemed to refer to such statute as re-numbered. If the date for the closing of the registration books for elections in general is amended by general law, then the time limitations provided in this chapter, shall be adjusted accordingly to coincide with general law.

(Ord. No. 05-838, § 2, 3-21-05)

Sec. 12-2. Special elections.

The council may call special elections at such time as in its discretion may be deemed necessary, which elections shall be held and conducted in the same manner as city elections.

(Code 1975, § 9-15; Ord. No. 500, § 5, 6-7-93; Ord. No. 05-838, § 12, 3-21-05)

Sec. 12-3. Proclamation.

All city elections and special elections shall be proclaimed by the mayor at least thirty (30) days prior to the date thereof but failure to do so shall not invalidate any election of officers.

(Code 1975, § 9-8; Ord. No. 500, §§ 4, 5, 6-7-93; Ord. No. 05-838, § 12, 3-21-05)

Sec. 12-4. Polling places.

The city commission shall establish polling places in coordination with the county supervisor of elections.

(Code 1975, § 9-12; Ord. No. 500, § 5, 6-7-93; Ord. No. 05-838, §§ 4, 12, 3-21-05)

***Editor's note**—Ord. No. 05-838, §§ 3, 5—7, 8, 9, 12, adopted March 21, 2005, repealed sections 12-2, 12-6—12-8, 12-11, 12-13 in their entirety and renumbered former sections 12-3—12-5, 12-9, 12-10, 12-12, 12-14—12-18 as new sections 12-2—12-11. Former sections 12-2, 12-6—12-8, 12-11, 12-13 derived from the Code of 1975, §§ 9-1, 9-16, 9-18, 9-20, 9-26; Ord. No. 268, § 1, adopted June 2, 1986; Ord. No. 375, §§ 1, 2, adopted June 29, 1984; Ord. No. 500, § 5, adopted June 7, 1993; Ord. No. 03-781, § 3, adopted Aug. 18, 2003.

Charter references—Mayor, § 4; councilmembers, § 5; elections, § 15.

Cross references—Administration, Ch. 2; city council, § 2-26 et seq.

State law reference—Florida Election Code, F.S. Chs. 97—106.

Sec. 12-5. Filing fee required.

Every candidate for mayor or councilmember shall be required to pay to the city clerk at the time of filing the sworn statement provided for in section 12-11, a fee of twenty-five dollars (\$25.00) for each candidate for mayor and twenty-five dollars (\$25.00) for each candidate for councilmember. The funds derived from such filing fees shall be paid to the city clerk for use in defraying the expenses of elections provided for under this chapter.

(Code 1975, § 9-17; Ord. No. 500, § 5, 6-7-93; Ord. No. 05-838, § 12, 3-21-05)

Sec. 12-6. Petition in lieu of filing fee.

(a) A candidate for nomination for any office who is unable to pay the filing fee without imposing an undue burden upon his personal resources or on resources otherwise available to him may have his name placed on the ballot for the election by means of the petitioning process. A candidate availing himself of this process shall file an oath with the officer before whom the candidate would qualify for the office, stating that he intends to qualify for the office sought, and stating that he is unable to pay the filing fee for that office without imposing an undue burden on his personal resources or on resources otherwise available to him. Such oath shall be filed at any time after noon of the eighty-fourth day prior to the election, but not later than the sixty-third day prior to the election. The form to be used in administering and filing such oath shall be the same as that prescribed by the state department of state. No signatures shall be obtained by a candidate on any nominating petition until he has filed the oath prescribed in this chapter.

(b) Upon receipt of a written oath from a candidate, the qualifying officer shall provide the candidate with petition forms in sufficient numbers to facilitate the gathering of the required signatures, and shall affix the date of issuance on each form. Such forms shall be the same as those prescribed by the state department of state. A name on a petition which is not in the exact form as the name on the voter registration book shall be counted as a valid signature for purposes of paragraph (c) if, after comparing the signature on the petition with the signature of the alleged signer, as shown on the registration books, the city clerk determines that the person signing the petition and the person registering to vote are one and the same. No signature shall be counted toward the number of signatures required by subsection (c) unless it is on a petition form prescribed pursuant to this subsection.

(c) When a candidate has filed the oath prescribed in subsection (a) he may begin to seek signatures on petitions supporting his candidacy. Only signatures of electors who are registered to vote in the city shall be counted toward obtaining the minimum number of signatures. A candidate for any city office shall obtain the signatures of a number of qualified electors of the city equal to at least five (5) percent of the total number of registered voters within the city.

(d) Each petition shall be submitted to the city clerk not later than the first day of qualifying for office for all other elections. The clerk shall cause the names of the persons on the petition to be checked to verify their status as electors for the city. No later than the last day of qualifying the clerk shall certify that number shown as registered electors in the city

and submit such certification to the county supervisor of elections. Upon receipt of such certification, the supervisor of elections will then cause the candidate's name to be placed upon the ballot. A candidate shall then submit the qualifying evidence to the city clerk.

(Code 1975, § 9-25; Ord. No. 500, § 5, 6-7-93; Ord. No. 05-838, § 12, 3-21-05)

State law reference—Oath of candidates, F.S. § 99.012.

Sec. 12-7. Time of filing oath and fee.

Every candidate for mayor or council member shall file a sworn statement and shall pay the filing fee to the office of the city clerk anytime after noon on the 50th day prior to the first state, county or special district primary election, but no later than noon on the 46th day prior to the first state, county or special district primary election. During years in which there are no state, county or special district elections, the qualifying period shall begin after noon on the 50th day prior to the election in which office is sought, and end at noon on the 46th day prior to the election in which office is sought. If the final day for qualification falls on a Saturday, Sunday or legal holiday, the qualification deadline shall be noon on the next day which is not a Saturday, Sunday or legal holiday.

(Code 1975, § 9-19; Ord. No. 154, § 1, 6-21-82; Ord. No. 268, § 2, 6-2-86; Ord. No. 04-816, § 2, 7-14-04; Ord. No. 05-838, § 12, 3-21-05)

Sec. 12-8. Unopposed candidates.

(a) The names of unopposed candidates shall not appear on the ballot in a municipal election unless a write-in candidate has qualified under a state statute.

(b) Each unopposed candidate shall be deemed to have voted for himself.

(Code 1975, § 9-4; Ord. No. 500, § 5, 6-7-93; Ord. No. 05-838, § 12, 3-21-05)

State law reference—Write-in candidates, F.S. § 99.061(3).

Sec. 12-9. Election returns.

The inspectors shall canvass the vote upon the closing of the polls and shall publicly proclaim the result. The clerk of election shall prepare duplicate certificates of the result of such election, one (1) of which shall be transmitted to the mayor and the other with the ballot box to the council, through the city clerk. Such certificates shall contain in words written in full length, the names of all persons voted for in each office and the number of votes cast for such person for each office or proposition voted for, and shall be signed by the clerk and inspectors. In case there shall be more than one (1) voting place, it shall be the duty of the inspectors and clerks of the various voting places to meet immediately after the individual canvass, consolidate the returns and certify the results to the mayor and the city council.

(Code 1975, § 9-14; Ord. No. 500, § 5, 6-7-93; Ord. No. 05-838, § 12, 3-21-05)

Sec. 12-10. Canvassing board.

(a) At least one (1) day before any election, the city commission shall appoint a canvassing board, which shall consist of: the city clerk or deputy clerk, the county supervisor of elections, and the mayor or vice mayor. In the event the mayor is an opposed candidate in such election,

then the city commission shall, by majority vote, appoint a member of the commission, who is not a candidate in the election, as a member of the canvassing board. In the event the mayor and all commission members are candidates in the election, then the commission shall appoint, by majority vote, a resident of the city to the canvassing board.

(b) The canvassing board shall canvass the returns and absentee ballots in accordance with F.S. §§ 101.68 and 102.141.

(Code 1975, § 9-21; Ord. No. 500, §§ 2, 5, 6-7-93; Ord. No. 05-838, §§ 10, 12, 3-21-05)

Sec. 12-11. Determination election of candidates.

(a) If there are more than two (2) candidates in a single race, the candidate receiving the highest number of votes shall be elected. If the two (2) candidates receiving the highest number of votes have the exact same number of votes, then that race shall be determined by drawing lots.

(b) If there are only two (2) candidates in a race, and each candidate receives the exact same number of votes, then the votes shall be re-counted in accordance with the State Election Code. If each candidate still has the same number of votes, then the race shall be determined by drawing lots. The drawing of lots shall be held two (2) days after the re-count is certified, at the Palmetto City Hall.

(Code 1975, § 9-2; Ord. No. 500, §§ 2, 5, 6-7-93; Ord. No. 05-838, § 11, 3-21-05)

Sec. 12-12. Early voting.

For those city elections occurring prior to January 1, 2006, early voting shall not be permitted except by absentee ballot. For those city elections occurring after December 31, 2005, early voting in accordance with F.S. § 101.657 shall take place utilizing procedures established by the county supervisor of elections. Absentee voting shall be permitted in all city elections in accordance with applicable provisions of the Florida Election Code.

(Ord. No. 05-838, § 12, 3-21-05)