

ORDINANCE NO. 2938

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BRADENTON, FLORIDA, AMENDING CERTAIN PROVISIONS OF CHAPTER 30 OF THE CODE OF ORDINANCES RELATING TO ELECTIONS ESTABLISHING A NEW DATE FOR CANDIDATES TO QUALIFY; PROVIDING THAT THE CANVASSING BOARD SHOULD BE THAT BOARD THAT CANVASSES COUNTY WIDE ELECTIONS; PROVIDING FOR A CANVASSING BOARD WHEN COUNTY CONVASSING BOARD IS NOT CONSTITUTED; PROVIDING FOR RECOUNTS; PROVIDING FOR THE VOTES; PROVIDING FOR PROCLAMATION OF RESULTS; PROVIDING FOR ELECTION OR APPOINTMENT UPON WITHDRAWAL OR REMOVAL OR DEATH OF ANY OR ALL CANDIDATES AFTER QUALIFYING CLOSES; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Council for the City of Bradenton previously changed the dates for its elections to coincide with County and State elections; and

WHEREAS, the Supervisor of Elections for Manatee County has stated a difficulty in preparing ballots based upon the City's current dates of qualifying and has recommended the qualifying period be concurrent with State and County qualifying periods.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BRADENTON, FLORIDA.

Certain Sections of Chapter 30; Elections of the Code of Ordinances are hereby amended as follow:

1. Section 30-5(a) is hereby amended to read as follows:

Any elector desiring to run for the office of Mayor or Council Member shall file with the City Clerk and Treasurer at any time after qualifying opens for County and State elections, which is noon of the 71<sup>st</sup> day prior to the County primary election and not later than the date qualifying closes for County and State elections, which is noon of the 67<sup>th</sup> day prior to the County primary election, a petition signed by not less than twenty-five qualified electors, who in the case of the Mayor reside within the City at large and which qualified electors, in the case of a Council Member, reside in the Ward in which the candidate for Council Member resides.

2. Section 30-9 Procedure for canvassing votes is hereby amended to read as follows:

- (a) The County Canvassing Board as organized and constituted by Florida Statute 102.141, shall act as the canvassing board for canvassing the terms for each City elections. In the event, however, that the County Canvassing Board is not constituted or there is a special election or referendum to the City that is not concurrent with County wide or State wide elections, then the City Clerk and Treasurer and City Attorney and Supervisor of Elections shall meet as a canvassing board and canvass the returns of the elections. In the event either the City Clerk and Treasurer or the City Attorney is not available the Supervisor of Elections shall chose a person to act in his or her place. The canvassing board shall insure that the ballots cast for any election are fairly and accurately counted and shall certify the results of such elections.
- (b) The canvassing board shall canvass the election returns in accordance with Florida Statutes.

3. Section 30-9 Sub-Sections relating to recount, sub-sections (d) (e) (f) (g) (h) and (i) are hereby repealed and new Sub-Sections (d) and (e) adopted to read as follows:

(d) Recounts shall be governed by and in compliance with the provisions of Chapter 102 of the Florida Statutes and all protests and contests challenging the returns of any elections shall be filed in accordance with said Chapter 102.

(e) If in any election, the return as certified, results in a tie vote, the election shall be decided by lot.

4. Section 30-10 Relating to proclamation results of election is hereby amended to read as follows:

Upon the canvass being completed and the elections certified the result of the election shall be publicly proclaimed. Certificates of such results shall be prepared containing the names voted for and the number of votes cast for each person. If any question is submitted, the certificate shall also contain the number of votes cast for and against the question. Such certificate shall be delivered without delay to the Mayor and City Council Members.

5. Section 30-12 Relating to the Council's duty to inspect returns and declare result is hereby amended to read as follows:

The day after the election is certified by the canvassing board or, if such date falls on a weekend or holiday, the day after that the Mayor and City Council shall assemble at

12:00 noon in Council Chambers to review the certifications and returns as a result of the election and enter such result upon the minutes of Council.

6. Section 30-14 Vacancy in candidacy is repealed in its entirety and lieu thereof the following is adopted.

- (a) **Withdrawal, death or removal of candidate**, If the withdrawal of a qualified candidate following the end of the qualifying period results in only one candidate remaining on the ballot for that office the remaining candidate shall be declared elected and no election for that office shall be required. If after qualifying all candidates have withdrawn or been removed for the ballot or died, and an incumbent is in that office and has not qualified for reelection, the City Council at the end of such incumbent's term shall declare a vacancy in such office and proceed to fill that vacancy as per the Charter of the City of Bradenton. Such appointment shall be for a period until the next general election after such appointment.
- (b) In the event after qualifying, and if the qualifying period has ended and all candidates for that office have withdrawn, been removed or died and a vacancy then exists in that office, the remaining Council Members shall appoint by majority vote a person otherwise qualified to be Council Member and that person so appointed shall serve as Council Member until the next general election for which qualifying has not ended.
- (c) The name of any qualified candidate who withdrew, died or was removed from the ballot shall not be printed on the ballot, however, if the ballot can not be changed any for vote for that candidate will be null and void.

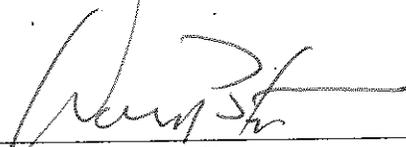
7. This Ordinance shall take effect immediately.

PASSED IN REGULAR SESSION, this 28<sup>th</sup> day of MARCH, 2012.

ATTEST:



City Clerk



President, City Council

APPROVED AS TO FORM:



William R. Lisch, City Attorney

First Reading:

2-22-12

Advertised:

3-15-12

Second Reading:

3-28-12

APPROVED by me this 29<sup>th</sup> day of March, 2012.

*Wayne H. Poston*  
Wayne H. Poston, Mayor

