

AN ORDINANCE OF THE TOWN OF CINCO BAYOU, FLORIDA REVISING AND OR AMENDING THE EXISTING PROCEDURES FOR ELECTIONS WITHIN THE TOWN OF CINCO BAYOU, FLORIDA AND ADOPTING THE STATE OF FLORIDA ELECTION CODE.

WHEREAS, the Town of Cinco Bayou has enacted provisions establishing the methods by which elections are held, and

WHEREAS, the methods established by the Town are not fully consistent with the current State of Florida election codes, and

WHEREAS, it is the desire and intent of the Cinco Bayou Town Council to retain those provisions in Town ordinances setting forth the qualifications of candidates, terms of office and dates of taking office while at the same time adopting all procedures for conducting elections from the State of Florida Elections Code.

NOW, THEREFORE BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF CINCO BAYOU, FLORIDA, that:

SECTION 1.

1. The following sections of Chapter 2 as they pertain to candidates, terms of office and vacancies in elective offices are retained; Section 2-1, Section 2-2, Section 2-16 and Section 2-18.

2. The following sections of Chapter 7 as they pertain to elections are retained; Section 7-1, Section 7-8 and Section 7-9.

3. The following section is added to Chapter 7:

Section 7-3.1. Candidate Qualification.

Candidates will be qualified electors of the Town and will qualify with the Okaloosa County Supervisor of Elections. Qualification will be in accordance with the provisions of Florida Statute 106 and will include a "Nomination Petition" signed by three (3) qualified electors of the Town.

4. The following sections are amended as indicated:

Section 7-2. Elective officers.

The following shall be the elective officers of the town, to be elected by plurality ~~majority~~ vote of the electors of the town:

- (1) The mayor;
- (2) Five (5) councilmembers.

Section 7-3. Election date; officers elected.

Add the following: In both the mayor and council election, the candidate receiving the most votes shall be elected. When more than one councilmember is to be elected, the candidates receiving the most votes shall be elected. Runoff elections for tie votes will be in accordance with the provisions of Section 7-7.

Section 7-4. Location of voting; election clerk and inspectors.

The voting at town elections shall be conducted at the town hall. The town council shall be responsible for naming of the designated three (3) persons, not candidates for office, to act as clerk and inspectors for the election, subject to certification by the Supervisor of Elections, and compensated by the Town of Cinco Bayou. ~~council shall at the council meeting preceding the election, designate three (3) persons not candidates for office, to act as clerk and inspectors for the election. Compensation for the clerk and inspectors will be determined by the town council.~~

Section 7-5. Method of Voting; Certification of results.

Voting at town elections will be with county voting equipment ~~by voting machines with a paper ballot backup. Candidates will be listed in alphabetical order on both the voting machine and paper ballot. The clerk and inspectors~~ Supervisor of Elections or designated representative shall canvass the returns including absentee's ballots and certify the result to the town manager/clerk. ~~immediately upon the closing of the polls. A certificate will be prepared by the election clerk. Supervisor of Elections containing the total number of votes cast for each person or measure voted upon. The town manager/clerk will place this certificate on file.~~

Section 7-6. Absentee ballots.

The town authorizes the use of absentee ballots in town elections in accordance with the state law authorizing absentee ballots in state elections. ~~all references in such state law to the supervisor of elections shall be deemed to refer to the town manager/clerk.~~

Section 7-7. Runoff election; tie votes.

In the event of a tie vote, a runoff election will be held ~~If any person fails to obtain a majority of the votes cast in any town election, a further election shall be held one (1) week, two (2) weeks from the date of the first election and in a like manner, at which time the electors shall vote for the two (2) candidates receiving the tie vote. highest number of votes in the next preceding election, and the candidate so receiving the most votes a majority shall be declared elected. In the event of a tie, if no candidate receives a majority vote at such election, the mayor shall cast the deciding vote and shall declare the candidate for whom he votes to be elected.~~

5. The Florida Elections Code insofar as that code is not inconsistent with the Town ordinances herein retained, and insofar as that code pertains to the method and procedure of conducting elections, the responsibility for conducting elections, and voting at such elections are all specifically adopted and incorporated by reference.

SECTION 2. SEVERABILITY. If any word, sentence, phrase, clause, section or portion of this ordinance shall be held invalid or unconstitutional by a court of competent jurisdiction, such portion of words shall be deemed a separate and independent provision and such holding shall not effect the validity of the remaining portion thereof.

SECTION 3. REPEAL OF CONFLICTING ORDINANCES AND RESOLUTIONS. All ordinances and resolutions of the governing body in conflict herewith are hereby repealed.

SECTION 4. EFFECTIVE DATE. This ordinance shall become effective immediately upon its final passage and adoption.

Adopted this 13th day of August, 1991.

Approved:


Mayor



Attest:


Town Manager/Clerk