

ORDINANCE NO. 2717 -07

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WINTER PARK, FLORIDA, AMENDING THE ELECTION DATE FOR THE 2008 CITY GENERAL ELECTION TO JANUARY 29, 2008; CHANGING THE PRIMARY ELECTION DATE FOR THE 2008 CITY ELECTION; DESIGNATING THE DATES FOR QUALIFYING FOR THE 2008 CITY GENERAL ELECTION; AUTHORIZING THE CANVASSING OF BALLOTS FOR THE 2008 CITY GENERAL ELECTION; PROVIDING FOR NOTICE TO THE SUPERVISOR OF ELECTIONS; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

WHEREAS, Chapter 166.021, Florida Statutes, grants municipalities the proprietary powers to undertake all municipal functions; and

WHEREAS, Chapter 101.75, Florida Statutes, authorizes municipalities to change the date of the municipal election when said election falls on the same date as the county election; and

WHEREAS, the City Charter of the City of Winter Park, Article III, establishes that city elections for city commissioner posts are to occur on the second Tuesday in March; and

WHEREAS, the Florida Legislature has adopted and the Governor has signed into law certain amendments to law moving the presidential preference primary date to the last Tuesday in January beginning with the year 2008; and allowing municipalities to move their general election dates to coincide with the presidential preference primary date; and

WHEREAS, the Orange County Supervisor of Elections has encouraged the municipalities located within Orange County to hold a county-wide municipal election day and, in years that the presidential preference primary is held, has allowed municipalities to hold their elections at the same time at substantial cost savings to the municipalities and greater convenience for the voters; and

WHEREAS, the City of Winter Park has a City-wide general election scheduled for 2008; and

WHEREAS, the anticipated cost savings to Winter Park taxpayers in moving the 2008 election to the presidential preference primary date has been estimated to be approximately \$30,000; and

WHEREAS, because of the City of Winter Park's primary and general election system, which is unique in Orange County, it will be necessary to provide for a primary (if needed) in advance of the general election on January 29, 2008; and

WHEREAS, the City Clerk shall set the qualifying dates of each election as required by city code;

NOW THEREFORE, BE IT ENACTED by the people of the City of Winter Park, Florida as follows:

Section 1. Chapter 42 of the Code of Ordinances of the City of Winter Park is hereby amended by the addition of a new Section 42-10, which reads as follows:

Sec. 42-10. Elections in the years of federal presidential preference primary elections

(a) In those years in which there is a federal presidential preference primary election in the State of Florida on the last Tuesday in January or another date as may be established by governing Florida law, the City's general city election provided for in Article III of the City Charter, in accordance with governing Florida law, shall be held concurrently with the federal presidential preference primary election. For those general elections subject to this section, the primary election, if needed, shall be held on the second Tuesday in December of the prior year. The City Clerk shall establish an appropriate qualifying period given these election dates and the other provisions of this Code.

(b) The Orange County Canvassing Board is hereby authorized to canvass the City of Winter Park ballots voted in the city general election set in accordance with this section.

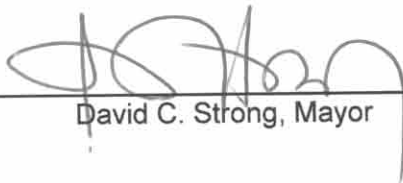
(c) Terms of office are not affected by this section, and will begin and end as provided by the City Charter or other applicable law.

(d) The City Clerk is hereby directed to provide a certified copy of this ordinance to the Orange County Supervisor of Elections within ten (10) days from its date of adoption.

Section 2. If any section, sentence, clause or phrase of this Ordinance is held to be invalid or unconstitutional by any Court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of this Ordinance.


Section 3. This ordinance shall become effective immediately upon its passage and adoption.

Adopted at a regular meeting of the City Commission of the City of Winter Park, Florida, held at City Hall, Winter Park, Florida on the 23rd day of July, 2007.



David C. Strong, Mayor

Attest:



Cynthia S. Bonham, City Clerk