

ORDINANCE NO. 2925-13

AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA, AMENDING SECTION 42-1, DEFINITIONS, AND 42-7, QUALIFICATION OF CANDIDATES AND CLERK'S CERTIFICATION, OF CHAPTER 42, ELECTIONS, TO ADD DEFINITIONS FOR "QUALIFICATION DEADLINE", "QUALIFICATION DOCUMENTS", AND "QUALIFICATION PERIOD", AND TO CLARIFY QUALIFICATION REQUIREMENTS; PROVIDING FOR SEVERABILITY, CODIFICATION, CONFLICTS AND AN EFFECTIVE DATE.

WHEREAS, fundamental to our system of government is the principle that the right to be a candidate for public office is a valuable one and no one should be denied this right unless the Constitution or an applicable valid law expressly provides that the person is ineligible; and

WHEREAS, the Florida Supreme Court has ruled that the people should have the opportunity to select their public officers from a multiple choice of candidates, and widening the field of candidates is the rule, not the exception, in Florida; and

WHEREAS, unreasonable or unnecessary restraints on the election process are prohibited; and

WHEREAS, courts have held that qualification procedures must serve reasonable or legitimate state interests to protect the integrity of the election process and the purity of the ballot; and

WHEREAS, the City Commission desires to ensure all candidates are fully apprised of requirements and deadlines for qualifying for the office of City Commissioner, in order to promote participation by as many qualified candidates as possible; and

WHEREAS, Section 3.02 of the Charter of the City of Winter Park provides that the means and methods for qualification of candidates for election to the City Commission and for the Office of Mayor will be prescribed by the Commission by ordinance; and

WHEREAS, the City Commission has studied the question and finds that it is desirable to further clarify the Elections Section of Chapter 42 of the Municipal Code of Ordinances, to make the qualification process even more accessible; and

WHEREAS, words with blue text shall constitute additions to the original text and red strike through text shall constitute deletions to the original text, and asterisks (* * *) indicate that text shall remain unchanged from the language existing prior to adoption of this Ordinance.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF WINTER PARK AS FOLLOWS:

Section 1. Recitals. The foregoing recitals are hereby adopted and confirmed.

Section 2. Section 42-1, Definitions, of Chapter 42, Elections, is hereby amended by adding definitions entitled “Qualification Deadline”, “Qualification Documents”, and “Qualification Period” as follows:

* * *

Qualification Deadline means no later than noon of the 35th day prior to the date of the primary election or special primary election date in the year of such election. If the 35th day prior to the date of the primary election or special primary election date is a legal holiday as defined by the City, or under the law of the State of Florida, then the Qualification Deadline shall mean no later than noon of the first business day immediately preceding the 35th day prior to the date of the primary election or special primary election date in the year of such election. The noon Qualification Deadline shall be treated as a jurisdictional deadline, which means that all Qualification Documents and matters required in order to qualify for office shall be properly completed and filed with the City Clerk by such deadline without exception. The jurisdictional nature of this deadline, and the requirements that all matters must be properly completed and filed with the City Clerk before the Qualification Deadline, are incorporated by reference each time the term “Qualification Deadline” is used in this Chapter.

Qualification Documents means all documents required by the Florida Election Code, Chapters 97 through 106, and this Chapter.

Qualification Period means that period that is between noon of the business day that is five (5) business days immediately preceding the Qualification Deadline and the Qualification Deadline. In each year of an election, the City Clerk shall determine the Qualification Deadline and will begin the Qualification Period such that candidates shall have five (5) business days, beginning at noon on the first business day of the Qualification Period, in which to qualify. The beginning and ending times and dates of the Qualification Period shall be treated as jurisdictional, which means that all Qualification Documents and matters required in order to qualify for office must be properly completed and filed with the City Clerk by the Qualification Deadline, as that term is defined in this section. The jurisdictional nature of this deadline, and the requirements that all matters must be properly completed and filed with the City Clerk before the Qualification Deadline, are incorporated by reference each time the term “Qualification Period” is used in this Section.

* * *

Section 3. Section 42-7, Qualification of candidates and Clerk’s certification, of Chapter 42, Elections, is hereby amended to read as follows:

- (a) In order for the name of any candidate to be printed on the ballot of any election, such candidate must ~~do the following:~~

(1)

Ffile with the city clerk, during the Qualification Period, ~~no later than noon of the 35th day and no earlier than noon of the 42nd day prior to the date of the primary election or special primary election date in the year of such election~~ an application completed Qualification Documents, in order to have his or her name printed on the ballot. This requirement may be changed by resolution of the city commission for special elections. ~~In the event that the last day of the period prescribed herein falls on a weekend or a city holiday, the period will be extended to noon of the next subsequent work day.~~ The Qualification Documents must include all documents required to be filed under the election code, Chapters 97 to 106, of the Florida Statutes, and those required by the City, including, but not limited to, the following:

1. Form DS-DE9, Appointment of Campaign Treasurer and Designation of Campaign Depository. This form must be on file with the City Clerk before the candidate opens the campaign account;
2. Form DS-DE84, Statement of Candidate;
3. Petitions signed by not less than 25 registered voters of the city;

~~(2) Have such application endorsed by not less than 25 registered voters of the city; and~~

~~(3) Swear to and subscribe to the following oath of affirmation:~~

4. Form DS-DE25, Candidate Oath – Nonpartisan Office;
5. City of Winter Park candidate oath:

State of Florida

County of Orange

Before me, an officer authorized to administer oaths, personally appeared _____ to me well known, who, being sworn, says that he/she is a candidate for the office of _____; that he/she is a qualified elector of the City of Winter Park, Orange County, Florida; ~~that he is qualified under the constitution and the laws of Florida to hold the office to which he desires to be nominated or elected; that he has taken the oath required by F.S. §§ 876.05–876.10; that he/she has not violated any of the laws of the state relating to elections or the registration of electors; that he has qualified for no other public office in the state, the term of~~

~~which office or any part thereof runs concurrent with that of the office he seeks; that he has resigned from any office from which he is required to resign pursuant to F.S. § 99.012; and that he has submitted a sworn statement of contributions and expenditures, if any, incurred prior to the time of qualifying and since the last preceding general election.~~

	_____ (Signature of candidate)
	_____ (Address)
Sworn to and subscribed before me this _____ day of _____ / _____ / _____, 19_____, at Orange County, Florida.	
	_____ (Signature and title of officer administering oath)

(4)

6. ~~File with the city clerk a~~ A financial disclosure statement as provided for in F.S. § 112.311 et seq., as amended from time to time; and

7. The election assessment required by F.S. § 99.093, as amended from time to time, drawn upon the candidate's campaign account.

(b) It shall be the duty of the candidate to comply with the provisions of this section. The city clerk shall, nevertheless, endeavor to notify each candidate in writing not more than five working days and not less than two working days after the requisite Qualification Documents have ~~application~~ ~~has~~ been filed, of any facial and obvious defect or deficiency in the Qualification Documents ~~application~~. Corrections or additions may be made any time prior to the ~~close of the~~ Qualification Deadline ~~term~~, but not thereafter. The City Clerk has no duty to notify candidates of deficiencies in Qualification Documents that are filed less than two (2) working days before the Qualification Deadline, or of defects that are not facial and obvious. It is of paramount importance that each person seeking to qualify for placement on the ballot understands their responsibility to file proper Qualification Documents, regardless of whether or not the City Clerk points out deficiencies in a timely or accurate manner. In all cases, a defect or deficiency in the Qualification Documents may be grounds for disqualification in accordance with Florida law regardless of whether the City Clerk has timely pointed out such defect or deficiency.

(c) The City Clerk is authorized to enforce the Qualification Deadline, and all filing requirements set forth in this section, under state law, and pertinent Florida Division of Elections opinions. There will be no exceptions to the requirement

that all matters be properly completed and filed during the Qualification Period and before the Qualification Deadline, in order for all interested citizens to have an equal and fair opportunity to qualify to have their names placed on the ballot.

- (d) The timely filing by or on behalf of a candidate of the Qualification Documents shall constitute written notice of candidacy as required by Section 3.02 of the Charter of the City of Winter Park.

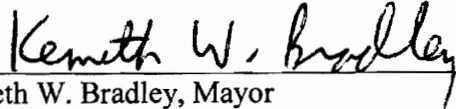
Section 4. Incorporation Into Code. This ordinance shall be incorporated into the Winter Park City Code. Any section, paragraph number, letter and/or any heading may be changed or modified as necessary to effectuate the foregoing. Grammatical, typographical and similar or like errors may be corrected, and additions, alterations, and omissions not affecting the construction or meaning of this ordinance and the City Code may be freely made.

Section 5. Severability. If any section, subsection, sentence, clause, phrase, word or provision of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, whether for substantive, procedural, or any other reason, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions of this ordinance.

Section 6. Conflicts. All ordinances or parts of ordinances in conflict with any of the provisions of this ordinance are hereby repealed.

Section 7. Effective date. This ordinance shall become effective immediately upon adoption by the City Commission of the City of Winter Park, Florida.

ADOPTED at a regular meeting of the City Commission of the City of Winter Park, held at City Hall, Winter Park, Florida, on the 24th day of June, 2013.



Kenneth W. Bradley, Mayor

Attest:



Cynthia Bonham, City Clerk

