

ORDINANCE 3333-25

AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA, AMENDING CHAPTER 42 "ELECTIONS" OF THE CITY CODE TO REVISE QUALIFICATION DEADLINES AND PERIODS, MODIFY CANVASSING BOARD PROCEDURES, CLARIFY THE ROLE OF THE CITY CLERK IN ELECTION ADMINISTRATION, UPDATE CAMPAIGN FINANCE REPORTING REQUIREMENTS, REMOVE OBSOLETE REFERENCES, AND MAKE OTHER REVISIONS TO IMPROVE CLARITY, EFFICIENCY, AND CONSISTENCY IN ELECTION PROCEDURES; PROVIDING FOR SEVERABILITY, CODIFICATION, CONFLICTS, AND AN EFFECTIVE DATE.

WHEREAS, the City Commission of the City of Winter Park recognizes the need to update and clarify election procedures to improve consistency, efficiency, and transparency in the administration of the City's elections; and

WHEREAS, revising the qualification deadlines and periods to establish fixed dates for candidate qualification will provide consistency, eliminate the need for adjustments during years with a Presidential Preference Primary, and ensure a clear qualification process for special elections; and

WHEREAS, allowing the City Clerk or designee to attend the public test, oversee the opening of vote-by-mail ballots, and conduct the final audit will improve administrative efficiency, while the Canvassing Board will retain its role in certifying election results; and

WHEREAS, removing obsolete references, including references to language that is no longer in the City Charter such as primary and special primary elections, and those no longer relevant under state law, is necessary to ensure the City Code reflects current election practices; and

WHEREAS, these amendments will improve the administration of elections, enhance voter confidence, and ensure that election-related provisions remain clear, effective, and aligned with best practices; and

WHEREAS, the City Commission is authorized to amend the City's election procedures by ordinance in accordance with Chapter III of the City Charter, Section 100.3605, Florida Statutes, and other provisions of law.

NOW, THEREFORE, IT IS HEREBY ORDAINED BY THE CITY OF WINTER PARK, FLORIDA, AS FOLLOWS:

SECTION I: Recitals. The above recitals are true and correct, are adopted and incorporated herein, and constitute the legislative findings of the City Commission of the City of Winter Park.

SECTION II: Amendment and New Code Section. Sections 42-1 through 42-11 of the City of Winter Park Code of Ordinances are hereby amended, and a new Section 42-12 is created, as set forth below (underlined language is additions; ~~stricken~~ through language are deletions; and provisions not shown are not being amended):

Sec. 42-1. Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Election means any ~~primary election, special election, special primary election, run-off election, or general election.~~

General election means an election held on the second Tuesday in March.

~~*Newspaper of general circulation* means a newspaper printed in English which is readily available for purchase by all residents of the city, but does not mean a newspaper intended primarily for members of a particular professional or occupational group or a newspaper, the primary function of which is to carry legal notices, or a newspaper that is given away primarily to distribute advertising.~~

~~*Primary election* means an election held preceding the general city election to narrow the number of candidates for any office down to two.~~

~~*Qualification deadline* means no later than 12:00 noon of the 49th day prior to the date of the general election. If the 49th day prior to the date of the general election 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 12:00 noon of the first non-holiday business day immediately preceding the 49th day prior to the date of such election. The 12:00 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. The qualification deadline for city elections other than the general election shall be the same as the above, relative to the date of such other election, unless otherwise determined by the city commission via resolution or ordinance.~~

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 12:00 noon of the business day that is five 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 business days, beginning at 12:00 noon on the first business day of the qualification period, in which to qualify beginning at noon on December 1st, or the first business day thereafter, ending at noon on the fifth business day following the first day

of the qualification period. 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 chapter.

Run-off election means an election held after the general election or other applicable election in the event that no candidate receives a majority vote, the candidates for which run-off election are the two candidates receiving the highest number of votes in the general election or other applicable election.

Special election means an election held other than at the time scheduled for a general city election for the purpose of filling a vacancy on the city commission. The qualifying deadline for special elections shall be at noon on the 60th day prior to the date of the special election. If the 60th day is a legal holiday, then the deadline shall be the first non-holiday business day preceding the 60th day. The first day of qualifying shall be at noon on the fifth business day prior to this deadline.

~~*Special primary election* means an election two weeks prior to a special election to narrow the number of candidates for the vacant office down to two.~~

Sec. 42-2. Applicability of state statutes.

In all elections held under this chapter, where any question arises which is not settled by the laws of the city, the state election code applying to like situations involving state and county elections shall govern so far as such code may be applicable. In the application of such general laws, the term "city clerk" shall be substituted for the term "county supervisor of elections," and the term "city commission" shall be substituted for the term "board of county commissioners" wherever applicable.

Sec. 42-3. ~~Designation of polling places; n~~Notice of elections; clerks and inspectors; form of ballot.

(a) ~~The city commission shall designate the places of polling for all city elections. The number of clerks and inspectors and the form of ballot shall be in accordance with the general laws of the state.~~

(b) —The city commission shall give notice of all general or special elections at least 15 days prior to the date of the election and at such time shall designate the polling places and clerks of the elections and inspectors in accordance with the general laws of the state. ~~All voting shall be by secret ballot, and the ballot shall be substantially in the form as prescribed by the general laws of the state.~~

Sec. 42-4. Absentee Vote-by-mail voting.

The city adopts applicable state statutes governing substantive and procedural law concerning absentee vote-by-mail voting in city elections.

Sec. 42-5. Early voting opt out.

The city exercises its right to exempt itself from the provisions of F.S. § 101.657, as to all municipal elections. The city commission shall retain the ability to conduct early voting or contract with the Orange County Supervisor of Elections to conduct early voting as and when the city commission determines early voting would be in the best interest of the city.

Sec. 42-6. City commission seats.

All candidates for city commission shall qualify for either seat 1, 2, 3 or 4. The city clerk shall indicate on ballots for election whether a candidate has qualified for seat 1, 2, 3 or 4.

Sec. 42-7. Qualification of candidates and clerk's certification.

(a) In order for the name of any candidate to be printed on the ballot of any election, such candidate must file with the city clerk, during the qualification period, 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. The qualification documents must include all documents required to be filed under the election code, F.S. chs. 97 to 106, state administrative rules, 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 validated by the Orange County Supervisor of Elections;~~

(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/she has not violated any of the laws of the state relating to elections or the registration of electors.

(6) ~~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 been filed, of any facial and obvious defect or deficiency in the qualification documents. Corrections or additions may be made any time prior to the~~

~~qualification deadline, but not thereafter. The city clerk has no duty to notify candidates of deficiencies in qualification documents that are filed less than two 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.~~

(e) —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.

(dc) The timely filing by or on behalf of a candidate of the completed qualification documents shall constitute written notice of candidacy as required by section 3.02 of the Charter of the City of Winter Park.

Sec. 42-8. Names on ballots.

(a) —The city clerk shall have ballots printed for use in all elections and shall place on the ballots the names of the candidates qualifying for each designated office in alphabetical order as they appear on the State Candidate Oath.

~~(b) —When three or more candidates have qualified for a designated office, the city clerk shall place the names of each of them on the ballots for the applicable election.~~

~~(c) —Candidates for each designated office shall be listed in alphabetical order. Names appearing on the ballots shall be as they appear on the candidates' applications.~~

Sec. 42-9. Contest of elections.

The provisions of F.S. §§ 102.166—102.168, 102.1682 and 102.1685 are adopted as part of this chapter and incorporated by reference in this section as nonexclusive procedures for contesting the result of any city election.

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 any 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 run-off election, if needed, shall be held on the second Tuesday in the month following the month of such general election or on another date as determined by the city commission by resolution or ordinance the date set by the Supervisor of

Elections. The city clerk shall establish an appropriate qualifying period given these election dates and the shall be the same as defined in 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 and in compliance with Florida law and adopted by the Orange County Canvassing Board.

(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.

Sec. 42-11. Campaign finance reporting.

(a) All candidates for Winter Park office shall abide by applicable state statutes as amended from time to time.

(b) In order to enhance transparency in campaign financing, all campaign finance reports submitted by a candidate must be submitted electronically via computer ~~or on a computer-readable disc in a sortable format established by the city clerk~~ the city's designated campaign financing reporting platform.

(c) ~~Each campaign finance report filed pursuant to this section shall be considered to be under oath by the candidate and the candidate's treasurer and those individuals are subject to the requirements of state law regarding the accuracy and timely filing of reports.~~ Campaign finance reports required under this section may be electronically signed using an electronic signature that complies with the Florida Electronic Signature Act, Chapter 668, Florida Statutes, or any other applicable law.

(d) ~~Concurrently with the electronic filing of a campaign finance report, the filing party shall submit to the city clerk an original signature page certifying under oath the accuracy of the information contained in the report.~~

(e) ~~Electronic campaign finance reports must be filed by 5:00 p.m. on or before the days set forth in state statutes as amended from time to time.~~

Sec. 42-12. Canvassing Board.

(a) The Canvassing Board, established in accordance with the City Charter, shall canvass election results in accordance with Florida law using the criteria adopted and used by the Orange County Canvassing Board for the previous election.

(b) The City Clerk or their designee shall attend the public test of voting equipment, oversee the opening of vote-by-mail ballots, and conduct the final audit on behalf of the City. Following the public test and final audit, the Canvassing Board shall convene to review and certify the accuracy of the test and audit results.

SECTION III: Inconsistency. If any Ordinances or parts of Ordinances are in conflict herewith, this Ordinance shall control to the extent of the conflict.

SECTION IV: Severability. If any portion of this Ordinance is determined to be void, unconstitutional, or invalid by a court of competent jurisdiction, the remainder of this Ordinance shall remain in full force and effect.

SECTION V: Codification. Section II of this Ordinance shall be codified and made a part of the City of Winter Park Code of Ordinances; the Sections of this Ordinance may be renumbered or re-lettered to accomplish such intention; the word "*Ordinance*" may be changed to "*Section*," "*Article*," "*Division*" or another appropriate word. The City Clerk is given liberal authority to correct scrivener's errors, such as incorrect Code cross-references, grammatical, typographical, and similar errors when codifying this Ordinance.

SECTION VI: Effective Date. This Ordinance will become effective immediately following approval by the City Commission at its second reading.

PASSED AND ADOPTED on second reading this 9th day of April 2025.

Sheila DeCiccio, Mayor

ATTEST:

Rene Cranis, City Clerk