

# **LAKE WALES**

## **OFFICIAL CHARTER**

### **ARTICLE VIII. ELECTIONS**

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## LAKE WALES

### ARTICLE VIII. ELECTIONS

#### **§ 8.01. City elections.**

(a) *Date of elections.* The date of all city elections shall be established in accordance with Chapter 8, Lake Wales Code of Ordinances ("Lake Wales Municipal Election Code").

(b) *Qualified voters.* All citizens qualified by the Constitution and the laws of the State of Florida to vote in the city and who satisfy the requirements for registration prescribed by law shall be qualified voters of the city within the meaning of this charter.

(c) *Conduct of elections.* Except as otherwise provided by this charter, the provisions of the general election laws of the State of Florida shall apply to elections held under this charter. All elections provided for by the charter shall be conducted by the election authorities established by law. For the conduct of municipal elections, for the prevention of fraud in such elections, and for the recount of ballots in cases of doubt or fraud, the commission may adopt by ordinance all regulations which it considers desirable, consistent with law and this charter, and the election authorities may adopt, and if they adopt shall publicize, further regulations consistent with law and this charter and the regulations of the commission.

(Ord. No. 86-15, § 1, 9-16-86; Ord. No. 2011-01, § 1, 2-1-11)

#### **§ 8.02. Nonpartisan elections.**

All qualifications and elections for the office of municipal commission members shall be conducted on a nonpartisan basis without regard for or designation of political party affiliation of any nominee or any nomination petition or ballot.

#### **§ 8.03. Commission seats.**

Four candidates for the office of municipal commission members shall qualify for and be elected by seat numbers designated two through five and shall be elected by the voters of the city at large. One candidate shall qualify for and be elected to seat number one without regard to place of residence within the city limits and shall be elected by the voters of the city at large. Candidates shall be qualified electors of the city who qualify for election in accordance with Chapter 8, Elections, Lake Wales Code of Ordinances. Commission terms shall be staggered so that at least one term shall expire each year and no more than two terms shall expire in the same year.

(Ord. No. 77-14, § 1, 11-8-77; Ord. No. 86-15, -16-86; Ord. No. 97-05, § 1, 7-1-97; Ord. No. 2002-11, § 1, 6-4-02; Ord. No. 2011-01, § 1, 2-1-11)

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#### **CHARTER REFERENCE**

Election and terms of city commission members, § 3.03; regular city election, § 8.01.

#### **§ 8.04. Qualifications and nominations.**

Candidates for the office of municipal commission member shall qualify for the election in a procedure to be set by ordinance by the city commission.

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(Ord. No. 91-05, § 1, 8-6-91)

### **§ 8.05. Form of ballots.**

The commission shall prescribe the form of the ballot included in the method for listing candidates for regular municipal elections and any other city election. A charter amendment or ordinance to be voted on by the municipality shall be presented for voting by ballot title. The ballot title of a measure may differ from its legal title and shall be a clear, concise statement describing the substance of the measure without argument or prejudice. Below the ballot title shall appear the following question: "Shall the above-described (amendment) (ordinance) be adopted?" Immediately below such question shall appear, in the following order, the words "For approval" and also the words "Against approval."

(Ord. No. 2011-01, § 1, 2-1-11)

### **§ 8.06. Determination of election results.**

(a) *Number of votes.* Every elector shall be entitled to vote for one candidate for each commission seat up for election. The candidate for each seat receiving the highest number of votes cast shall be declared elected.

(b) *Canvass of returns.* The polls shall open at 7:00 a.m. and shall close at 7:00 p.m. The canvass of returns shall be conducted in accordance with F.S. § 101.048. Results of the election shall be transmitted to the city commission at its next regular or special meeting and filed with the official records of the city.

(Ord. No. 2007-01, § 1, 3-2-07; Ord. No. 2011-01, § 1, 2-1-11)

### **§ 8.07. Term of office.**

Commission members shall serve for three-year terms and shall take office at the first regular meeting in the month following their election.

(Ord. No. 2011-01, § 1, 2-1-11; Amd. of 4-3-12; Ord. No. 2018-05, § 1, 12-18-18)

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## **CHARTER REFERENCE**

Election and terms of city commission members, § 3.03; regular city elections, § 8.01.

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## **EDITOR'S NOTE**

Pursuant to F.S. § 100.3605, (as adopted by Ord. No. 2003-15), the city hereby adopts the first Tuesday in April as the date for all regular elections. The users attention is directed to Ch. 8, section 8-18 for further provisions.

### **§ 8.08. Special election.**

The city commission shall, by ordinance, prescribe the manner and method of holding special elections in the municipality which are not provided for by the terms of this charter, and shall in such ordinance prescribe when and how such special election shall be called and held.

### **§ 8.09. Recall.**

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The qualified voters of the city shall have the power to recall and to remove from office any elected official of the municipality as provided by general law, or by the provisions of this charter.

**§ 8.10. Commission districts; adjustment of districts.**

(a) There shall be four geographical city commission districts containing population that is as equal as feasible.

(b) *Districting Commission.* Within one year from the release of each decennial census, commencing with the 1980 census, the commission shall appoint a districting commission composed of not less than three nor more than five qualified voters, determined from the registration for the last statewide general election. The voters chosen shall not be employed by the city in any capacity.

(c) *Report; Specifications.* Within six months after its appointment the districting commission shall file with the city clerk a report containing a recommended plan for adjustment of either the allocation of commission seats within each commission district or adjustment of the commission district boundaries to comply with the following specifications:

(1) Each district shall be formed of compact, contiguous property, as nearly rectangular as possible, and its boundary lines shall follow the center lines of the streets.

(2) Each commission seat assigned to the commission districts shall represent as nearly as possible the same number of citizens as determined from population data derived from the last decennial census. The area represented by each commission seat does not differ in population by more than ten percent.

(d) *Procedure.* The procedure for the commission's consideration of the report shall be the same as for other ordinances. The commission shall adopt the ordinance at least ninety days before the next regular municipal election.

(e) *Effect of Enactment.* The new commission districts, boundaries, and seat assignments as of the date of enactment, shall supersede previous commission districts, boundaries and seat assignments for all the purposes of the next regular municipal election, including nominations.

(Ord. No. 77-14, § 2, 11-8-77; Ord. No. 84-1, § 1, 1-17-84; Ord. No. 2002-11, § 1, 6-4-02; Ord. No. 2011-01, § 1, 2-1-11)