

ARTICLE V. QUALIFICATION AND ELECTIONS¹

Sec. 1. Non-partisan election.

All qualifications and elections for the office of mayor and town council member shall be conducted on a non-partisan basis without regard for or designation of political party affiliation of any nominee on any nomination petition or ballot.

(Res. No. 2023-03 , election of 3-14-2023)

Sec. 2. Qualifications.

Candidates for the office of mayor and town council member shall qualify for such office by the filing of a written notice of candidacy with the town clerk at such time and in such manner as may be provided by law.

(Res. No. 2023-03 , election of 3-14-2023)

Sec. 3. Form of ballots.

- (a) *Candidates.* The council by resolution shall prescribe the form of ballot including the method for listing candidates for town council elections and any other town election unless the form of a ballot is prescribed by state law.
- (b) *Charter amendments.* Whenever a charter amendment is to be voted on by the town, the amendment shall be placed on that portion of the ballot following the candidates for town council, if any. The substance of such amendment shall be printed in clear and unambiguous language on the ballot and followed by the word "yes" and also by the word "no." The proposed amendment shall be styled in such a manner that a "yes" vote will indicate approval of the proposal and a "no" vote will indicate rejection. The wording of the substance of the amendment and the ballot title to appear on the ballot shall be embodied in the town ordinance approving such amendment to be placed before the voters. In accordance with Florida law, the substance of the amendment shall be an explanatory statement of the chief purpose of the measure. The ballot title shall consist of a caption by which the measure is commonly referred to or spoken of.

(Ord. No. 580, § 2, 1-12-2005)

Sec. 4. General and run-off election.

Whenever a general or a special election is held to fill any elective office in the town, the candidate receiving a majority the greatest number of the votes cast at such election to fill such office shall be declared to be duly elected; provided that in the event no candidate for a particular elective office shall receive a majority of the votes cast at such election to fill such office, then a run-off election shall be held on such date as is provided by ordinance of the town; provided further that in such event only the names of the two (2) candidates having received the greatest number of votes in the election for such office shall be submitted to the voters and the one receiving the majority number of votes in such run-off election shall be declared to be duly elected to such office;

¹State law reference(s)—Florida Election Code, F.S. ch. 97 et seq.

provided further, that should ~~two (2) or more candidates receive an equal number of votes to for any such office, so that it cannot be determined which two (2) had candidate received the greatest and the next greatest number of votes, then the names of all such candidates receiving an equal number of votes shall be submitted at the a run-off election, and the candidate receiving the greatest number of votes at such election shall be declared elected to such office, regardless of whether such candidate received a majority of the votes cast to fill such office at such run-off election. The candidates in a run-off election shall be positioned on the ballot utilizing the same procedure as that utilized in the general or special election.~~

Sec. 5. Unopposed candidate: vacancies in candidacy.

- (a) In the event only one person qualifies as a candidate for a designated seat on the town council to be filled at an election, that seat shall not be listed on the regular town election ballot. In the event a vacancy in candidacy caused by death, withdrawal or removal from the ballot leaves only one remaining qualified candidate, that candidate shall be treated in the same manner as an unopposed candidate. Each unopposed candidate shall be deemed to have voted for him or herself and thereafter declared to be duly elected to such office.
- (b) If the death, withdrawal or removal from the ballot of a qualified candidate occurs after the close of the qualification period leaving no candidates for an open seat with at least twenty (20) days remaining before the election, the qualifying period for that seat shall be reopened for a period of five (5) business days following the date the vacancy occurs and all qualified candidates registering during that period shall be placed on the ballot. The town clerk shall advertise the reopening of the qualification period.
- (c) If the death, withdrawal or removal from the ballot of a qualified candidate occurs after the close of the qualification leaving no candidates for an open seat with less than twenty (20) days remaining before the election, the election for such office shall be delayed for at least thirty (30) and no more than forty-five (45) days at which time the general election for that office shall take place. The town clerk shall advertise notice of the rescheduling of the election and the reopening of the qualifying period. Qualifying shall be reopened for a period of at least ten (10) business days.

(Ord. No. 580, § 2, 1-12-2005)

State law reference(s)—Mandate for establishing procedure for filling vacancies in candidacy, F.S. § 166.031(6).

Sec. 6. Recall.

The qualified voters of the town shall have the power to recall and remove from office any elected official of the town as provided by general law.

State law reference(s)—Recall of members of governing body, F.S. § 100.361.