



MEMORANDUM

TO: Honorable Mayor and Board of Commissioners
VIA: Robin Gomez, City Manager
FROM: Clara VanBlargan, City Clerk
DATE: November 2, 2023
RE: Ordinance 2023-34, Changing the Candidate Qualifying Period

Background

The Board of Commissioners reviewed this agenda item at its October 25, 2023 BOC Workshop Meeting and directed the City Attorney to prepare an ordinance for first reading and public hearing changing the qualifying period from the first two weeks in December to the first full week in December. The revised section of the Charter being proposed is:

City Charter, Section 3.3 Nomination of Board of Commissioners.

- (A) *Filing.* Every person who shall desire to become a candidate for nomination under the provisions of this Charter to the office of Mayor and District-Commissioner, shall qualify to become such candidate by filing with the City Clerk during the candidate qualifying period held during the first ~~two~~ full weeks in December, excluding weekends, beginning at Noon on Monday, the first day of the qualifying period and ending at Noon on Friday, the last day of the qualifying period. Under no circumstances shall the City Clerk accept any nomination petitions or filing fees after the close of the filing period as stated herein. Every person's application is to have his/her name printed upon the ballot as a candidate for nomination to the office for which he/she aspires, in which application, he/she shall declare from the district he/she is a candidate or so declare if he/she is a candidate for Mayor. All applications shall be accompanied by an affidavit the candidate is an elector and a resident of the City of Madeira Beach, Florida, for one (1) year immediately prior to the date of said application and has been a resident of said district for which he/she declares himself/herself to be a candidate for a period of six (6) months prior to the date of said application. With said application shall be filed a petition which shall indicate prominently the district from which the Petitioner is a candidate, or if he/she be a candidate for Mayor.

The relevant Florida Statutes are:

Florida Statute 100.3605 (Conduct of Municipal Elections) provides:

- (1) The Florida Election Code, chapters 97-106, shall govern the conduct of a municipality's election in the absence of an applicable special act, charter, or ordinance provision. No charter or ordinance provision shall be adopted which conflicts with or

exempts a municipality from any provision in the Florida Election Code that expressly applies to municipalities.

Florida Statute 105.031(6) (Qualification; filing fee; candidates oath; items required to be filed) provides:

“Notwithstanding the qualifying period prescribed in this section, a qualifying office may accept and hold qualifying papers submitted not earlier than 14 days prior to the beginning of the qualifying period, **to be processed and filed during the qualifying period.**”

Florida Statute 166.031 (Charter Amendments) provides:

- (1) The governing body of a municipality may, by ordinance, or the electors of a municipality may, by petition signed by 10 percent of the registered electors as of the last preceding municipal general election, submit to the electors of said municipality a proposed amendment to its charter, which amendment may be to any part or to all of said charter except that part describing the boundaries of such municipality. The governing body of the municipality shall place the proposed amendment contained in the ordinance or petition to a vote of the electors at the next general election held within the municipality or at a special election called for such purpose.
- (2) F.S. 166.031 (2), Upon adoption of an amendment to the charter of a municipality by a majority of the electors voting in a referendum upon such amendment, the governing body of said municipality shall have the amendment incorporated into the charter and shall file the revised charter with the Department of State. All such amendments are effective on the date specified therein or as otherwise provided in the charter.

Other relevant Charter provision:

City Charter, Section 3.3 Nomination of Board of Commissioners, states, (A) Filing:

Every person who shall desire to become a candidate for nomination under the provisions of this Charter to the office of Mayor and District-Commissioner, shall qualify to become such candidate by filing with the City Clerk during the candidate qualifying period.

Qualifying papers provided to the City Clerk during the pre-qualifying period (not earlier than 14 days prior to the beginning of the qualifying period) will be processed and filed by the City Clerk, during the qualifying period (F.S. 105.031(6)).

Qualifying Period of Neighboring Cities and Towns

- City of Indian Rocks Beach – 6 days
- City of St. Pete Beach – 10 days
- City of Gulfport – 6 days
- Town of North Redington Beach – 11 days
- Town of Redington Shores – 11 days
- Town of Redington Beach – 11 days

City of Clearwater – 10 days
City of Treasure Island – 11 days
City of Madeira Beach – 10 days

Fiscal Impact

The estimated cost to advertise the Ordinance for the second reading and public hearing is \$150.00.

Recommendation

The recommendation is for the Board of Commissioners to approve Ordinance 2023-34, changing the qualifying period to the first full week in December instead of the first two full weeks in December.

If the Ordinance is approved after the first reading and public hearing, the Ordinance will be advertised for a second reading and public hearing at the 2:00 p.m., BOC Regular Meeting on December 13, 2023. The deadline for submitting ballot language to the Pinellas County Supervisors of Elections is 5:00 p.m. on Tuesday, December 19, 2023.

If the voters approve the charter amendment at the March 19, 2024 Municipal Election, it will take effect for the candidate qualifying period beginning in December 2024 for the March 2025 Municipal Election.

Attachments:

- Ordinance 2023-34, Charter Amendment – Amending Section 3.3, Changing the Qualifying Period
- Ordinance 2023-34, Charter Amendment – Section 3.3 – Business Impact Estimate