

By Representatives Maygarden, Burroughs, Melvin, Peaden
and Ritchie

1 A bill to be entitled
2 An act relating to the City of Pensacola,
3 Escambia County; amending subsection (2) of s.
4 4 and subsection (6) of s. 100 of chapter
5 15425, Laws of Florida, 1931, as amended;
6 providing for establishing the date of city
7 council elections and alternative method of
8 qualifying a candidate for ballot by city
9 ordinance; providing for repeal of conflicting
10 laws; providing for severability; providing an
11 effective date.

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13 Be It Enacted by the Legislature of the State of Florida:

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15 Section 1. Subsection (2) of section 4 of chapter
16 15425, Laws of Florida, 1931, as amended by chapters 71-852,
17 89-486, and 90-472, Laws of Florida, is amended to read:

18 Section 4. CREATION AND COMPOSITION OF CITY COUNCIL.--

19 (2) Alternative method of qualifying.--The city
20 council shall provide by ordinance an alternative method, in
21 lieu of payment of a qualification fee, whereby a candidate
22 for the office of city council may by a petitioning process
23 qualify to have his or her name placed on the ballot.

24 ~~(a) A candidate for the office of city council member~~
25 ~~who is unable to pay the qualification fee of \$50 prescribed~~
26 ~~above without imposing an undue burden on his personal~~
27 ~~resources or on resources otherwise available to him may have~~
28 ~~his name placed on the ballot for the general election and any~~
29 ~~other subsequent runoff elections by means of the petitioning~~
30 ~~process prescribed in this subsection. A candidate availing~~
31 ~~himself of this petitioning process shall file an oath with~~

555-126-98

1 ~~the office of the city clerk, stating that he intends to~~
2 ~~qualify for the office of city council and stating that he is~~
3 ~~unable to pay the filing fee for the office without imposing~~
4 ~~an undue burden on his personal resources or on resources~~
5 ~~otherwise available to him. Such oath shall be filed at any~~
6 ~~time after noon of the 90th day prior to the general election,~~
7 ~~but no later than 5:00 p.m. on the third Monday in March prior~~
8 ~~to the general election. The city clerk's office shall~~
9 ~~prescribe the form to be used in administering and filing such~~
10 ~~oath. No signatures shall be obtained by a candidate on any~~
11 ~~nominating petition unless he has filed the oath prescribed~~
12 ~~herein.~~

13 ~~(b) Upon receipt of a written oath from a candidate,~~
14 ~~the city clerk shall provide the candidate with petition forms~~
15 ~~in sufficient numbers to facilitate the gathering of~~
16 ~~signatures pursuant to this section and shall affix the date~~
17 ~~of issuance on each form. Such forms shall be prescribed by~~
18 ~~the office of the city clerk. A name on a petition which is~~
19 ~~not in the exact form as a name on the voter registration~~
20 ~~books shall be counted as a valid signature for the purposes~~
21 ~~of paragraph (c) if, after comparing the signature on the~~
22 ~~petition with the signature of the alleged signer as shown on~~
23 ~~the registration books, the supervisor of elections determines~~
24 ~~that the person signing the petition and the person~~
25 ~~registering to vote are one and the same. No signature shall~~
26 ~~be counted toward the number of signatures required by~~
27 ~~paragraph (c) unless it is on a petition form prescribed~~
28 ~~pursuant to this subsection.~~

29 ~~(c) When a candidate has filed the oath prescribed in~~
30 ~~paragraph (a), he may begin to seek signatures on a petition~~
31 ~~supporting his candidacy. Only signatures of those electors~~

1 ~~who are registered to vote in the city shall be counted toward~~
2 ~~obtaining the minimum number of signatures prescribed in this~~
3 ~~subsection. A candidate for an at large position under this~~
4 ~~alternate method shall obtain the signatures of a number of~~
5 ~~qualified electors equal to at least 5 percent of the total~~
6 ~~number of registered electors in the city, as shown by the~~
7 ~~compilation by the supervisor of elections for the most recent~~
8 ~~general election of the city council. A candidate for a~~
9 ~~single-member district position shall obtain the signatures of~~
10 ~~a number of qualified electors residing in the district for~~
11 ~~which the candidate seeks election equal to at least 5 percent~~
12 ~~of the total number of registered electors in the district, as~~
13 ~~shown by the same compilation.~~

14 ~~(d) Each petition shall be submitted to the supervisor~~
15 ~~of elections in Escambia County, not later than the Tuesday~~
16 ~~preceding the first Wednesday in April of the election year.~~
17 ~~The supervisor of elections to whom a petition is submitted~~
18 ~~shall check the names of the persons on the petition to verify~~
19 ~~their status as electors in the city and, if applicable, in~~
20 ~~the district for which the candidate is seeking to qualify.~~
21 ~~No later than the last date for qualifying, the supervisor~~
22 ~~shall certify that number shown as registered electors of said~~
23 ~~city, and of each district, and submit said certification to~~
24 ~~the city council. The city council shall determine whether~~
25 ~~the required number of signatures has been obtained for the~~
26 ~~name of the candidate to be placed on the ballot and shall~~
27 ~~notify the candidate that his name is to be placed on the~~
28 ~~ballot. When a candidate is so notified, he shall immediately~~
29 ~~submit a copy of such notice and the qualifying papers~~
30 ~~prescribed by city ordinance to the city clerk. Upon receipt~~
31 ~~of such notice and qualifying papers, the city clerk shall~~

1 ~~certify the name of the candidate to the city council as~~
2 ~~having qualified for the office sought, assuming the candidate~~
3 ~~is otherwise a qualified elector under Florida law.~~

4 ~~(e) No fee for checking the signatures on petitions~~
5 ~~shall be charged to any candidate filing nominating petitions~~
6 ~~pursuant to this section.~~

7 Section 2. Subsection (6) of section 100 of chapter
8 15425, Laws of Florida, 1931, as amended by chapters 65-2100
9 and 70-884, Laws of Florida, is amended to read:

10 ~~(6)(f)~~ Election of council members shall be held in
11 the spring of every odd-numbered year.~~A general election for~~
12 ~~councilmen shall be held on the second (2nd) Tuesday in May of~~
13 ~~1971 and of every odd year thereafter and a runoff election~~
14 ~~for councilmen shall be held on the fourth (4th) Tuesday in~~
15 ~~May of 1971 and of every odd year thereafter. The filing of~~
16 ~~qualifications of candidates for councilman shall close on the~~
17 ~~second (2nd) Tuesday in April of 1971 and of every odd year~~
18 ~~thereafter, and the registration of qualified voters in said~~
19 ~~general and runoff elections shall continue until the third~~
20 ~~(3rd) Tuesday in April of 1971 and of every odd year~~
21 ~~thereafter.~~All candidates who receive a majority of the votes
22 cast in the general election shall be declared elected to the
23 office of the city council ~~city councilman~~ and shall not be
24 required to run in the runoff election. In the event that all
25 ten council members~~(10) councilmen~~ are elected by a majority
26 of the votes cast in the general election, then, and in that
27 event, the runoff election shall not be deemed necessary and
28 shall be automatically cancelled. The city council shall pass
29 ordinances providing for the necessary dates, details, and
30 procedures for the conducting of said general and runoff
31 elections. The council members ~~councilmen~~ elected at the

1 general or runoff elections shall qualify and enter upon their
2 duties at noon on the second~~(2nd)~~ Monday of June following
3 ~~succeeding~~ their election.

4 Section 3. All laws or parts of laws in conflict
5 herewith are hereby repealed to the extent of such conflict.

6 Section 4. If any provision of this act or the
7 application thereof to any person or circumstance is held
8 invalid, the invalidity shall not affect other provisions or
9 applications of the act which can be given effect without the
10 invalid provision or application, and to this end the
11 provisions of this act are declared severable.

12 Section 5. This act shall take effect upon becoming a
13 law.

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