

ORDINANCE NO. 2018-035

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF COCONUT CREEK, FLORIDA, AMENDING THE CITY'S CODE OF ORDINANCES, BY AMENDING THE ENTIRETY OF CHAPTER 8, "ELECTIONS," TO PROVIDE FOR UPDATED AND CONSISTENT REGULATIONS WITH STATE ELECTION LAWS AND CITY CHARTER PROVISIONS; BY AMENDING CHAPTER 2, "ADMINISTRATION," ARTICLE II, "CITY COMMISSION," BY REPEALING SECTION 2-22, "VACANCY IN CANDIDACY," IN ITS ENTIRETY IN ITS CURRENT LOCATION IN ORDER TO RELOCATE THE LANGUAGE INTO A MORE RELEVANT LOCATION WITHIN CHAPTER 8, "ELECTIONS," AND BY REPEALING SECTION 2-24, "CITY COMMISSION CANDIDATE QUALIFICATIONS," AS THOSE PROVISIONS ARE SET FORTH IN THE CITY CHARTER AS OF THE EFFECTIVE DATE OF THE CHARTER REVISIONS OF 2016; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City's election code is in need of revision to comport with the many changes to Title IX, "Electors and Elections," of the Florida Statutes over the years; and

WHEREAS, this Ordinance not only provides for consistency with the state election laws, but also consistency among the City's existing laws relating to elections and candidacy located within the City's Charter and other chapters within the City's Code of Ordinances; and

WHEREAS, to that end, this Ordinance relocates language found in the City's Code of Ordinances under Chapter 2, "Administration," Article II, "City Commission," under Section 2-22, "Vacancy in Candidacy," regarding special provisions for vacancies in candidacy to a more relevant place within Chapter 8, "Elections," under Section 8-104 regarding vacancies; and

WHEREAS, this Ordinance repeals Section 2-24, “City Commission Candidate Qualifications,” found in the City’s Code of Ordinances under Chapter 2, “Administration,” Article II, “City Commission,” because it stands automatically repealed as of November 9, 2016, at 12:01 a.m., the effective date of the new Charter Section 301d, “Minimum Length of Residence,” which sets forth the exact same minimum qualification as stated in Section 2-24, cited above; and

WHEREAS, in addition, an old regulation on campaign signs is repealed from the City’s Code in light of the United States Supreme Court ruling in *Reed v. Town of Gilbert*, 135 S.Ct. 2218 (2015), wherein local sign regulations that applied to specific types of signs were determined to be unconstitutional; and

WHEREAS, the City Commission finds and determines that it is in the best interests of the residents to provide updates to its election code.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF COCONUT CREEK, FLORIDA:

Section 1: Ratification. That the foregoing “WHEREAS” clauses are hereby ratified and confirmed as being true and correct and are hereby made a specific part of this Ordinance.

Section 2: That the Code of Ordinances of the City of Coconut Creek, Florida, shall be amended by amending the entirety of Chapter 8, “Elections,” to read as follows:

Chapter 8 - ELECTIONS

ARTICLE I. - IN GENERAL

Sec. 8-1. - Definitions.

The ~~following~~ definitions of words, terms and phrases, when used in this chapter, shall have the same meanings ascribed to them in Title IX of the Florida Statutes, “Electors and Elections,” as amended from time to time, this section, except where the context clearly indicates a different meaning. The following additional defined words, terms and phrases, when used in this chapter, are specifically applicable to the City and shall have the following meanings, except where the context clearly indicates a different meaning:

CODING: Words in ~~struck through~~ type are deletions from existing text.
Words in underscored type are additions to existing text.
A line of *** indicates existing text not shown.

~~*Absent elector or absentee voter* means any qualified and registered elector of the city who:~~

- ~~(1) Is unable without another's assistance to attend the polls and cast his ballot at the appropriate polling place;~~
- ~~(2) Is an inspector, poll worker, election official, deputy sheriff, supervisor of elections, city clerk, deputy or assistant thereto who is required to administer the conduct of the election and is unable to cast a vote in the precinct in which registered;~~
- ~~(3) Cannot attend the polls on the day of any city election due to the tenets of religion; and~~
- ~~(4) Will not be in the city during the hours that the polls are open for voting on the day of a city election.~~

~~*Ballot or official ballot* means:~~

- ~~(1) When voting machines are used, that portion of the printed strips of paper or other material within the ballot frames containing the names of candidates or a ballot question of an issue to be voted upon at a city election;~~
- ~~(2) When paper ballots are used, a printed sheet of paper containing the names of candidates or a ballot question of an issue to be voted upon at a city election;~~
- ~~(3) When electronic devices are used, a ballot voted by the process of punching or marking with a marking device for tabulation by automatic tabulating equipment or data processing equipment; or~~
- ~~(4) When absentee ballots are used, a printed sheet of paper or other material containing the names of candidates or a ballot question of an issue to be voted upon at a city election.~~

~~*Candidate* means any individual to whom one (1) or more of the following applies:~~

- ~~(1) Any individual seeking to qualify for election by means of an alternative, or petition, method;~~
- ~~(2) Any individual receiving contributions or making expenditures, or giving consent for another person to do so, with the intent of bringing about that individual's election to city office;~~
- ~~(3) Any individual who appoints a treasurer and designates a primary depository pursuant to F.S. § 106.021; or~~
- ~~(4) Any individual who files qualification papers and subscribes to a candidate's oath, as required by section 8-51.~~

~~*District* means that geographic area or quadrant of the city described and established by ordinance, in which a candidate for the Ccity Commissioneouncil seat designated therefor must reside.~~

~~*Election* means any city-specific election, be it to choose elected officials or considered local issues, including special elections.~~

~~*Elector or voter* means a qualified resident of the city on the day of the election who is properly registered in accordance with F.S. §§ 97.041 through 97.111.~~

Issue means a proposed amendment to the City Charter, a proposed ordinance proposed by initiative pursuant to Article VIII, “Initiative, Referendum and Recall,” of the City Charter, a proposed repeal of an ordinance by referendum pursuant to Article VIII, “Initiative, Referendum and Recall,” of the City Charter, recall of an elected official, an authorization to issue bonds or other forms of indebtedness, a proposed annexation of territory into the city, straw ballot or any other public question to be voted upon by the electors of the city, pursuant to state law, City Charter, local ordinance or call of the City Commission~~ouncil~~.

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

~~*Nonpartisan or nonpartisan office* means an office for which a candidate is prohibited from campaigning or qualifying as a candidate for election based on, or with reference to, any political party affiliation.~~

Office or city office means a position of the city filled by the electors at an election.

~~*Polling place* means a particular room or area where electors cast their votes.~~

Precinct means a geographic area designated by the board of county commissioners, upon recommendation of the supervisor of elections, pursuant to Section 101.001, Florida Statutes, as amended from time to time. F.S. § 98.031.

Qualifying means the procedure pursuant to section 8-51, “Oath; campaign finance reports; statement of financial interests; fee,” as amended from time to time, whereby an individual causes his/her name to be placed on the next city election ballot as a candidate for city office.

Regular city election means an election to fill the office of City Commission~~ouncil~~ held at the time prescribed in section 8-102, “Dates of elections,” as amended from time to time.

Supervisor means the supervisor of elections of the county.

~~*Voting machine* means that electromechanical or electronic equipment or device approved or certified by the secretary of state, pursuant to F.S. § 101.28, 101.294 or 101.5605, which is used to cast ballots in an election, and which is owned or provided by the supervisor of elections of the county.~~

Sec. 8-2. - At-large voting districts.

The five (5) at-large voting districts now in existence are revised as set forth in the legal description and maps labeled as A through E, on file in the ~~office of the city clerk~~ department.

Secs. 8-3—8-25. - Reserved.

ARTICLE II. - VOTER REGISTRATION^[2]

Sec. 8-26. – Adoption of permanent single registration system.

The city does hereby recognize and adopt the permanent single registration system for the registration of electors, established by Section 97.105, Florida Statutes, as amended from time to time F.S. § 98.041, and adopted by the City Charter of the city.

Sec. 8-27. - Closing of registration.

No individual residing within the corporate limits of the city registering to vote less than ~~twenty-nine (29)~~^{thirty (30)} days prior to the city election shall be permitted to vote in that election.

Secs. 8-28—8-50. - Reserved.

ARTICLE III. - CANDIDATES

Sec. 8-51. - Oath; ~~request for name on ballot~~; campaign finance reports; statement of financial interests; fee.

- (a) Each person seeking to qualify as a candidate for city office shall file with the city clerk, or designee, a candidate's oath as set forth in F.S. § Section 99.021, Florida Statutes, as amended from time to time, ~~and a request that his/her name be printed on the next city election ballot~~, together with campaign finance reports required by F.S. § Section 106.07, Florida Statutes, as amended from time to time, and a statement of financial interests required by F.S. §Section 112.3145, Florida Statutes, as amended from time to time, if applicable, or copies in lieu of originals previously filed.
- (b) Unless qualifying pursuant to the alternate methods of qualifying set forth in Florida Statutes, a qualification fee of ~~forty~~^{one hundred twenty-five} dollars (~~\$125.00~~^{50.00}) shall be paid at the same time as the qualification papers are filed, pursuant to subsection (a) above. In addition each candidate for City Commissioner shall pay, at the time of qualifying for office, an election assessment as provided by Section 99.093, Florida Statutes, as may be amended from time to time. Payment of the fees shall be by a check drawn on the candidate's campaign account payable to the city and delivered to the city clerk, or designee, who shall see that it is deposited in the general revenue fund of the city, and as to the election assessment, the City Clerk, or designee, shall ensure that it is forwarded to the Florida Elections Commission for deposit in the Elections Commission Trust Fund.

Sec. 8-52. - Time for qualifying.

No person may qualify as a candidate in accordance with section 8-51, “Oath; ~~request for name on ballot~~; campaign finance reports; statement of financial interests; fee,” as amended from time to time, prior to the dates set forth by the ~~supervisor of~~

~~elections~~ city clerk for such qualifying. The time for qualifying shall fall within the first full week in January of each election year, beginning on Monday and ending on Thursday.

Sec. 8-53. - Withdrawal of candidate.

- (a) A candidate may withdraw at any time prior to the election by filing with the city clerk a written and executed statement, under oath, to that effect. Then, the candidate's name shall not be printed on the ballot, or, if the ballots have been printed, the name shall be removed if, in the opinion of the city clerk, time permits without disrupting the administration of the election.
- (b) If the withdrawal of a candidate results in only one (1) candidate remaining on the ballot for that office, the remaining candidate shall, in the absence of a write-in candidate for that office, be declared elected, and no election for that office shall be required, and the qualified candidate's name shall not be printed on the ballot.
- (c) A candidate withdrawing after having qualified and paid the qualification fees shall not receive a refund of the qualifying fee. Except that if a candidate dies prior to an election and has not withdrawn his or her candidacy before the last date to qualify, the candidate's qualifying fee shall be returned to his or her designated beneficiary.
- (d) A vote cast for a candidate who has withdrawn shall not be canvassed or certified as a valid vote.

Sec. 8-54. - Printing of name on ballot.

The name of a candidate shall be printed on the ballot in the same form as the name appears on the candidate's oath. Shortened versions or nicknames may be used if so indicated. No title or evidence of incumbency shall be printed.

Secs. 8-55—8-75. - Reserved.

ARTICLE IV. - INITIATIVE, REFERENDUM AND RECALL

Sec. 8-76. - Calling of initiative, referendum and recall.

The provisions and procedures for an initiative, referendum or recall election shall be found in Article VIII, "Initiative, Referendum, and Recall," of the City Charter, as amended from time to time.

Secs. 8-77—8-100. - Reserved.

ARTICLE V. - ELECTION ADMINISTRATION

Sec. 8-101. - City clerk designated chief elections administrator and qualifying officer.

The city clerk is hereby designated the chief elections administrator of the city and shall see that all city elections are conducted in a proper legal manner. Subject to the approval of the City Commission~~council~~, the city clerk may delegate any or all of the responsibilities for administering the election to the supervisor of elections and city staff as appropriate.

CODING: Words in ~~struck through~~ type are deletions from existing text.
Words in underscored type are additions to existing text.
A line of *** indicates existing text not shown.

Sec. 8-102. - Dates of elections.

Regular elections to fill the office of City Commissioner member shall be held on the second Tuesday of March of each odd numbered year or as set by state statute.

Sec. 8-103. - Tie vote.

If two (2) or more candidates in a particular district receive an equal and highest number of votes for the same office, then those candidates shall draw lots to determine who shall be elected to the office, pursuant to ~~F.S. §~~Section 100.181, Florida Statutes, as amended from time to time.

Sec. 8-104. – Vacancies; generally and in candidacy.

(a) Vacancies in the City Commission shall be filled pursuant to the provisions set forth in ~~s~~Section 3045, “Vacancies; Forfeiture of Office; Filling of Vacancies,” of the City Charter, as amended from time to time.

(b) Vacancies in candidacy shall be processed as follows:

(1) If the death, withdrawal or removal from the ballot of a qualified candidate or a member of the governing body occurs after the close of registration for candidates for this office, and if the death, withdrawal or removal leaves fewer than two (2) candidates for that office, and at least forty-five (45) days remain before the election, the qualifying period for that office shall be reopened for a period of five (5) days following the date the vacancy occurs. All qualified candidates registered during that period shall be placed on the ballot at the general municipal election along with the remaining candidate. The city clerk shall promptly post notice at City Hall in a conspicuous place of the reopening of registration period. The city clerk, shall, in conjunction with procedures established by the Supervisor of Elections of Broward County, Florida, make a bona fide attempt to contact all persons requesting absentee ballots so as to advise such absentee voters of the death, withdrawal or removal from the ballot of a qualified candidate. The procedures set forth in subsection (5) hereinafter, shall also apply.

(2) If the death, withdrawal or removal from the ballot of a qualified candidate for city commissioner occurs and there is less than forty-five (45) days before the election, the election for that specific office shall be delayed by not less than forty-five (45) nor more than sixty (60) days, at which time a special municipal election for that office only shall take place. Qualifying shall be re-opened for a period of five (5) days beginning the day after the vacancy occurs. The city clerk shall promptly advertise at least one (1) notice of the rescheduled election and reopening of registration in a newspaper of general circulation in the city. The notice shall be at least a quarter page display advertisement appearing at least ten (10) days prior to the rescheduled election date.

(3) Any remaining candidate for that office shall not be required to re-qualify for an election or pay a second qualifying fee. Any remaining candidate shall not be declared an unopposed candidate under Chapter 106, Florida Statutes, as amended from time to time, unless no additional candidate qualifies for election during the supplemental qualifying period. Any remaining candidate may continue to accept contributions pursuant to Chapter 106, Florida Statutes, as amended from time to time, or until they are declared unopposed. If they are declared unopposed pursuant to this section, then within ten (10) days after the close of the supplemental qualifying period the special election shall be canceled. The unopposed candidate shall be declared elected at an organizational meeting of the city commission pursuant to the City Charter and Code of Ordinances and the oath of office shall be administered at that time.

(4) The filing of campaign expense statements pursuant to Chapter 106, Florida Statutes, as amended from time to time, by candidates in a special election called under subsection (2), including the remaining candidate, shall not be later than such dates as fixed by the city clerk.

(5) If a special election is called pursuant to subsection (2), and other candidates qualify for election during the supplemental qualifying period, supplemental absentee ballots for the special election shall be mailed to any absentee voter who was mailed an absentee ballot for the regular election as well as provided to other voters who properly request them. If an absentee voter returns the initial ballot, his/her vote for that office for which the special election was called shall be null and void, but his/her vote on all other offices and issues shall be counted.

(6) Should vacancies in candidacy that leave no candidate remaining for the office of a member of the governing body occur less than six (6) days before the election, a special municipal election shall be called by the governing body, which election shall be conducted in accordance with the procedures set forth in this section and Article III of the Charter.

Sec. 8-105. - Precincts.

- (a) Those precincts approved by the board of county commissioners, pursuant to Section 101.001, Florida Statutes, as amended from time to time~~F.S. § 98.031~~, situated within the corporate limits of the city are hereby designated as the city precincts to be used in any and all city elections. This subsection constitutes the concurrence of the city to the conforming of the precinct boundary to the boundaries of the city, pursuant to Section 101.002, Florida Statutes, as amended from time to time~~F.S. § 98.091(1)~~.
- (b) The city clerk shall see that a certified copy of any annexation ordinance approved by the City Commission~~City Council~~ or any annexation legislation approved by the state

legislature is sent to the supervisor of elections. Precinct boundaries may be altered to conform to the municipal boundaries as they may be changed due to annexation.

- (c) If a precinct boundary is unable to be altered to conform to annexation by the date of a city election, any qualified elector residing within the area annexed shall be eligible to vote in the city election.

Sec. 8-106. - Polling places.

- (a) ~~There shall be one (1) polling place located within each precinct. These p~~Polling places and precincts designated and used by the supervisor of elections, upon approval by the city clerk, shall be used for the conduct of city elections.
- (b) In the event of an emergency, polling place locations may be temporarily changed in the manner provided in Section 101.733, Florida Statutes, as amended from time to time~~F.S. §§ 101.71(2) and (3), and 101.74.~~ Supervisor of elections shall consult with the clerk prior to relocating any polling place in a city election.
- (c) Each polling place shall, whenever possible, be accessible to the handicapped and comply with the provisions of accessibility set forth in ~~F.S.~~Section 101.715(4), Florida Statutes, as amended from time to time.
- (d) The polling place shall be arranged in the manner prescribed in Section 101.71, Florida Statutes, as amended from time to time~~F.S. § 101.37.~~

Sec. 8-107. - Voting ~~devices~~machines.

- (a) Voting ~~devices~~machines shall be used in each city election pursuant to the "Electronic Voting Systems Act," Sections 101.5601 through 101.5614, Florida Statutes, as amended from time to time. The ~~devices~~machines shall be certified by the Department of State, and owned by the county and supplied by the supervisor of elections, ~~unless the city is using machines on an experimental basis, as authorized in F.S. § 101.34.~~
- (b) The number of voting ~~devices~~machines in each precinct for city elections shall be determined by the supervisor of elections after consulting with the city clerk. In making such determination, the supervisor shall consider the traditional voting patterns and turn-out in each precinct for a city election and furnish the number of ~~devices~~machines necessary to efficiently handle the anticipated number of votes in that precinct for a city election. ~~The number to be used in each precinct shall be posted in a conspicuous place, in city hall and shall be reported to the city council.~~
- (c) The voting ~~devices~~machines to be used in a city election shall be prepared by the supervisor of elections, in accordance with Section 101.34, Florida Statutes, as amended from time to time~~F.S. Ch. 104.~~

Sec. 8-108. - Ballots.

- (a) The form of the ballot in elections for Ceity Commissioneouncil shall be in substantially the same form as the form of the ballot for state general election ballots, as prescribed in ~~F.S. §~~ Section 101.1591, as amended from time to time.

- (b) Candidates shall be grouped together on the ballot by district, and within each district in alphabetical order by the last name of each candidate.
- (c) Ballots shall be prepared by the supervisor of elections pursuant to instructions from the city clerk in accordance with state law, ~~and this chapter, and the City Charter, as amended from time to time.~~
- (d) A sample ballot shall be published in a newspaper of general circulation prior to the day of the election, ~~but no more than ten (10) days prior to the election. The city clerk shall see to the publication of the sample ballot.~~ This publication shall be conspicuous and not be included within the legal notices and advertisements being published, ~~per F.S. Ch.~~ pursuant to Chapter 50, Florida Statutes, as amended from time to time.

Sec. 8-109. - Poll workers.

- (a) At each polling place there shall be a sufficient number of poll workers to handle the anticipated number of voters. ~~The supervisor of elections and city clerk shall determine the necessary number and report it, together with the names of the poll workers, to the city council prior to the date of the election. The city council shall approve the poll workers for any city election. However, when a city election is held in conjunction with a state election conducted by the supervisor of elections, the poll workers shall be those appointed by the supervisor of elections.~~
- (b) All poll workers for a city election shall have completed training classes conducted by the supervisor of elections consistent with Section 102.014, Florida Statutes, as amended from time to time.
- (c) One (1) poll worker in each precinct shall be designated the precinct clerk and shall be in charge of, and responsible for, the conduct of the election at that polling place.
- ~~(d) The city clerk shall determine, in his/her discretion, whether a deputy sheriff shall be located at each polling place within the city.~~
- (e) The Ppoll workers, election board, and/or inspectors shall conduct the election, and at the close of the polls they will ascertain the results of that precinct in the manner provided in ~~F.S. Chs.Chapters~~ 101 and 102, Florida Statutes, as amended from time to time, to the extent not inconsistent with this chapter, and report the results in the manner directed by the supervisor of elections. Electors shall cast their votes in the manner provided in ~~F.S. Ch.Chapter~~ 101, Florida Statutes, as amended from time to time.

Sec. 8-110. - Absentee voting.

- (a) An elector may request an absentee ballot and cast an absentee vote in any city election, provided the elector satisfies the definition of absentee voter in section 8-1, above.
- (b) An absentee ballot may be requested and voted in accordance with ~~in the manner provided in F.S. §Sections 101.62, and voted in accordance with F.S. §§ 101.64 through 101.69~~ 69867, Florida Statutes, as amended from time to time.

- (c) Absentee ballots for any city election must be requested from and returned to the supervisor of elections, to be received and kept in the same manner as provided in F.S. §Section 101.67, Florida Statutes, as amended from time to time.
- (d) Absentee ballots shall be canvassed by the supervisor of elections in the manner as provided by law in F.S. § 101.68.

Secs. 8-111—8-135. - Reserved.

ARTICLE VI. - CANVASSING, PROTESTING AND CONTESTS

Sec. 8-136. - Canvassing board.

For any city election, the city shall utilize the canvassing boards established by the county.

Sec. 8-137. Reserved.—~~Protests.~~

~~A candidate or any elector qualified to vote in the election related to such candidacy may file a protest of the election returns, pursuant to F.S. § 102.166, in the form prescribed in F.S. § 102.167. The canvassing board shall consider the protest as provided in F.S. § 102.166(1).~~

Sec. 8-138. - Contest.

- (a) Any unsuccessful candidate may contest the results of the election in which he/she participated, as provided in F.S. §Section 102.168, Florida Statutes, as amended from time to time.
- (b) ~~The~~Any taxpayer of the city may contest the results of any question or issue submitted to a vote of the electors, as provided in F.S. §Section 102.168, Florida Statutes, as amended from time to time.
- (c) If the unsuccessful candidate filing a contest is determined to be entitled to the office, and some other individual has been issued a certificate of election or entered upon the duties of the office, pursuant to the process depicted in Section 102.1682, Florida Statutes, as amended from time to time, a judgment of ouster may be entered by the circuit court and the contestant shall assume that office.
- (d) If a judgment is entered setting aside an issue election, the election shall be regarded as having been void consistent with Section 102.1682, Florida Statutes, as amended from time to time.

Secs. 8-139—8-150. - Reserved.

ARTICLE VII. - UNFAIR CAMPAIGN PRACTICES

Sec. 8-151. - Policy.

It is hereby declared to be the policy of the city that all elections shall be conducted in a proper, orderly and fair manner as to permit the will of the electorate to be determined. Campaigns for elective city office shall be on a nonpartisan basis with the

qualifications and positions of the respective candidates, not party affiliation, being the basis for the voter's choice. Likewise, all other elections shall be conducted in a manner so as to permit the free and robust exchange of ideas and opinions, yet avoiding unfair and improper campaign tactics which abuse the open debate so vital to our democratic concept of government.

Sec. 8-152. - Unfair campaign practices.

- (a) It shall be an unfair campaign practice for a candidate for elective city office, or an agent or authorized representative thereof on behalf of such candidate, to:
 - (1) Campaign by way of announcements, publications or other forms of political advertising as a registered member of any political party;
 - (2) Campaign by way of announcements, publications or other forms of political advertising in such a manner as to indicate that such candidate is not a registered member of a particular political party.
- (b) Any person committing an act prohibited by this section shall be guilty of an unfair campaign practice and a municipal ordinance violation, punishable by a civil fine of \$50.00 for a first offense, \$100.00 for a second offense, \$150.00 for a third offense, and up to \$500.00 for a fourth or subsequent offense, or such other supplemental penalties as provided in section 1-8.

Sec. 8-153. - Prohibited acts and practices.

Those acts and practices prohibited in ~~F.S. Ch. Chapter~~ Chapter 104, Florida Statutes, as amended from time to time, shall be prohibited in all elections conducted pursuant to this chapter, and shall be punishable as provided in ~~F.S. Ch. Chapter~~ Chapter 104, Florida Statutes, as amended from time to time.

Sec. 8-154. - ~~Campaign signs.~~ Reserved.

- ~~(a) Political campaign signs shall be placed and removed in accordance with the provisions of the land development code.~~
- ~~(b) The unauthorized alteration, destruction, or removal of a political sign of a candidate or a political committee, other than its removal by a city employee enforcing F.S. § 479.22, shall constitute an unfair campaign practice and a municipal ordinance violation, punishable as provided in section 1-8.~~

Sec. 8-155. - ~~Misuse of official position~~ Political activities of city officers and employees.

- (a) No officer or employee of the city, except as exempted from the provisions of this section, shall:
 - (1) Use his/her official authority or influence for the purpose of interfering with an election, a nomination of office, by coercing or influencing another person's vote or by affecting the result thereof;
 - (2) Directly or indirectly coerce, attempt to coerce, command or advise any other officer or employee to pay, lend or contribute any part of his/her salary, any sum of money or anything else of value to any ~~political~~ party, committee,

organization, agency or person for political purposes. Nothing in this paragraph shall prohibit a city employee from suggesting to another city employee in a noncoercive manner that he/she may voluntarily contribute to a fund which is administered by a ~~political~~ party, committee, organization, agency, person, labor union or other organization for political purposes; or

- (3) Directly or indirectly coerce, attempt to coerce, command or advise any city officer or employee as to where he/she might purchase commodities or to interfere in any other way with the personal rights of an officer or employee ~~for, or as a result of, political purposes.~~
- (b) The provisions of this section shall not be construed so as to prevent any city officer or employee from becoming a candidate for and actively campaigning for any elective office in this state. All such persons shall retain the right to vote as they may choose and to express opinions on any political subject and candidate. The provisions of paragraph (a)(1), shall not be construed so as to limit the political activity in any general, special, primary, bond, referendum or other election of any kind or nature, of elected officials or candidates for public office in the state or of any county or city thereof.
- (c) The provisions of paragraphs (a)(2) and (a)(3) shall apply to all officers and employees of the city, whether elected, appointed, or otherwise employed, or whether the activity shall be in connection with a primary, general, special, bond, referendum, or other election of any kind or nature.
- (d) An employee of the city may not participate in any political campaign for an elective office while on duty.
- (e) Nothing contained in this section or in the City Charter shall be deemed to prohibit any public employee from expressing his/her opinions on any candidate or issue or from participating in any political campaign during his/her off-duty time, so long as such activities are not prohibited by this section.
- ~~(f)(d) Any person violating the provisions of this section is guilty of a misdemeanor of the first degree, punishable as provided in Sections 775.082 or 775.083, Fla. Stat., as amended from time to time. Any officer or employee of the city using his/her official position to support or oppose a candidate or city elective office shall be guilty of an unfair campaign practice and a municipal ordinance violation, punishable as provided in section 1-8, provided that this subsection shall not prohibit public endorsements or other expressions of support or opposition.~~

Secs. 8-156—8-180. - Reserved.

ARTICLE VIII. - CAMPAIGN FINANCES

Sec. 8-181. - Application of state law.

- (a) Any candidate for elective city office, including an elected officer sought to be recalled, is subject to, and shall comply with, the provisions of ~~F.S. Ch.~~Chapter 106, Florida Statutes, as amended from time to time.

- (b) ~~Any group, club, association or other combination of persons or person seeking to contribute to any candidate for elective city office must comply with Chapter 106, Florida Statutes, as amended from time to time, having a collective capacity and receiving contributions or making expenditures in excess of one hundred dollars (\$100.00) and is seeking to influence the results of a city election constitutes a political committee within the definition of F.S. § 106.011(1), and shall register and report as such pursuant to, and be subject to, F.S. Ch. 106.~~
- (c) ~~Any individual making independent expenditures in a city election, as defined in F.S. § 106.11(5), in the amount of one hundred dollars (\$100.00) or more shall be subject to, and comply with, F.S. § 106.071.~~
- (d) ~~Violation of F.S. Ch. 106, shall be enforced in the manner provided in F.S. §§ 106.25 through 106.28.~~

Section 3: That the Code of Ordinances of the City of Coconut Creek, Florida, shall be amended by amending Chapter 2, "Administration," Article II, "City Commission," by repealing Section 2-22, "Vacancy in candidacy," in its entirety as follows:

Sec. 2-22. – Reserved. ~~Vacancy in candidacy.~~

- (a) ~~If the death, withdrawal or removal from the ballot of a qualified candidate or a member of the governing body occurs after the close of registration for candidates for this office, and if the death, withdrawal or removal leaves fewer than two (2) candidates for that office, and at least forty-five (45) days remain before the election, the qualifying period for that office shall be reopened for a period of five (5) days following the date the vacancy occurs. All qualified candidates registered during that period shall be placed on the ballot at the general municipal election along with the remaining candidate. The city clerk shall promptly post notice at City Hall in a conspicuous place of the reopening of registration period. The city clerk, shall, in conjunction with procedures established by the Supervisor of Elections of Broward County, Florida, make a bona fide attempt to contact all persons requesting absentee ballots so as to advise such absentee voters of the death, withdrawal or removal from the ballot of a qualified candidate. The procedures set forth in subsection (e) hereinafter, shall also apply.~~
- (b) ~~If the death, withdrawal or removal from the ballot of a qualified candidate for city commissioner occurs and there is less than forty-five (45) days before the election, the election for that specific office shall be delayed by not less than forty-five (45) nor more than sixty (60) days, at which time a special municipal election for that office only shall take place. Qualifying shall be re-opened for a period of five (5) days beginning the day after the vacancy occurs. The city clerk shall promptly advertise at least one (1) notice of the rescheduled election and reopening of registration in a newspaper of general circulation in the city. The notice shall be at~~

least a quarter page display advertisement appearing at least ten (10) days prior to the rescheduled election date.

- ~~(c) Any remaining candidate for that office shall not be required to re-qualify for an election or pay a second qualifying fee. Any remaining candidate shall not be declared an unopposed candidate under F.S. Ch. 106, unless no additional candidate qualifies for election during the supplemental qualifying period. Any remaining candidate may continue to accept contributions pursuant to F.S. Ch. 106, or until they are declared unopposed. If they are declared unopposed pursuant to this section, then within ten (10) days after the close of the supplemental qualifying period the special election shall be canceled. The unopposed candidate shall be declared elected at an organizational meeting of the city commission pursuant to the City Charter and Code of Ordinances and the oath of office shall be administered at that time.~~
- ~~(d) The filing of campaign expense statements pursuant to F.S. Ch. 106, by candidates in a special election called under subsection (b), including the remaining candidate, shall not be later than such dates as fixed by the city clerk.~~
- ~~(e) If a special election is called pursuant to subsection (b), and other candidates qualify for election during the supplemental qualifying period, supplemental absentee ballots for the special election shall be mailed to any absentee voter who was mailed an absentee ballot for the regular election as well as provided to other voters who properly request them. If an absentee voter returns the initial ballot, his/her vote for that office for which the special election was called shall be null and void, but his/her vote on all other offices and issues shall be counted.~~
- ~~(f) Should vacancies in candidacy that leave no candidate remaining for the office of a member of the governing body occur less than six (6) days before the election, a special municipal election shall be called by the governing body, which election shall be conducted in accordance with the procedures set forth in this section and Article III of the Charter.~~

Section 4: That the Code of Ordinances of the City of Coconut Creek, Florida, shall be amended by amending Chapter 2, "Administration," Article II, "City Commission," by repealing Section 2-24, "City commission candidate qualifications," in its entirety as follows:

Sec. 2-24. – Reserved. City commission candidate qualifications.

- ~~(a) Each candidate shall be a resident of and be primarily domiciled in his/her district in which he/she has filed his/her candidacy for at least twelve (12) months prior to filing as a candidate for office but for a change in district of said candidate due to redistricting by the city that has occurred within the preceding twelve (12) month period in which case the combined residency of the candidate's prior and current districts shall be considered for qualification.~~

(b) ~~This section 2-24, "city commission candidate qualifications," shall automatically be repealed on November 9, 2016 at 12:01 a.m. unless otherwise ratified and re-adopted by the city commission.~~

Section 5: Conflicts. That all ordinances or parts of ordinances, all City Code sections or parts of City Code sections, and all resolutions or parts of resolutions in conflict with this Ordinance are hereby repealed to the extent of such conflict.

Section 6: Severability. That should any section or provision of this Ordinance or any portion thereof, any paragraph, sentence, clause or word be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the remainder hereof as a whole or part hereof other than the part declared invalid.

Section 7: Codification. That the provisions of this Ordinance shall be codified within the Code of Ordinances of the City of Coconut Creek, Florida, and any paragraph or section may be renumbered to conform with the Code of Ordinances.

Section 8: Effective Date. That this Ordinance shall become effective upon its passage on second and final reading.

PASSED FIRST READING THIS 25TH DAY OF OCTOBER, 2018.

PASSED SECOND READING THIS 8TH DAY OF NOVEMBER, 2018.

Joshua Rydell, Mayor

Attest:

Leslie Wallace May, City Clerk

	<u>1st</u>	<u>2nd</u>
Rydell	<u>Aye</u>	<u>Aye</u>
Welch	<u>Aye</u>	<u>Aye</u>
Tooley	<u>Absent</u>	<u>Aye</u>
Sarbone	<u>Aye</u>	<u>Aye</u>
Belvedere	<u>Aye</u>	<u>Aye</u>