Section 6.01. - Election of mayor and commissioners; dates of regular and runoff elections.

(a) The regular municipal election of the City shall be held simultaneously with the State primary elections of each election year and runoff elections, if necessary, shall be held simultaneously with the State general elections of each election year after qualification is completed and after consultation with the Seminole County Supervisor of Elections.

(b) City Commission seats are hereby designated as Mayor and the remaining seats for City Commission districts. Candidates for the offices of Mayor and City Commissioner shall file to qualify for the office of Mayor or City Commission district as provided by law.

(c) Each candidate for office shall announce whether he or she is a candidate for the office of Mayor or for a City Commission district. Where more than one (1) Commissioner is to be elected, the candidates for Commissioner shall be grouped by district number and each candidate shall announce the district for which he or she is a candidate.

(d) The candidate for Mayor receiving a majority of the votes cast for Mayor shall be elected. The candidate in each district for Commissioner receiving a majority of the votes cast in that district shall be elected. In the event that no candidate for Mayor receives a majority of the votes cast for Mayor a the regular municipal election of the City held simultaneously with the State primary elections, a runoff election shall be held as provided in subsection (a), at which runoff election only the two (2) candidates for Mayor receiving the highest vote in the regular municipal election shall be candidates, and the candidate for Mayor receiving a majority of the votes cast for Mayor shall be elected; provided, however, that, if there is a tie for the candidate receiving the second highest vote for Mayor, the tie shall be resolved on the first available date after the election, as determined by the City Clerk, by means of the tossing of a coin. In the event that no candidate for Commissioner in a district receives a majority of the votes cast in that district at the regular municipal election held simultaneously with the State primary elections, a runoff election shall be held as provided in subsection (a), at which runoff election only the two (2) candidates for Commissioner receiving the highest vote in the regular municipal election for that district shall be candidates, and the candidate for Commissioner receiving a majority of the votes cast for Commissioner in a district shall be elected; provided, however, that, if there is a tie for the candidate receiving the second highest vote for Mayor, the tie shall be resolved on the first available date after the election, as determined by the City Clerk, by means of the tossing of a coin.

(e) Write-in votes shall be allowed and counted in accordance with controlling State law. The names of unopposed candidates shall not appear on the ballot when not in accordance with controlling State law.

(f) Any matter which, by the terms of this Charter may be submitted to the electors of the City at any special election may be submitted and voted upon at any City election held in accordance with this section.

(Ord. No. 4148, § 2, 8-26-2008/12-8-2008; Ord. No. 2012-4274, § 3, 6-25-2012; Ord. No. 2016-4361, § 2, 1-11-2016; Ord. No. 4453, §§ 1, 3, 5-14-2018; Res. No. 2752, § 2(a)(4), 9-24-2018)

Note— Refer to editor's note at Article II, City Commission, § 2-6.

Section 6.02. - Same—Qualifications of candidates; form of oath.

(a) Any person who is a qualified elector in the City of Sanford, not a convicted felon whose civil rights have not been restored and who is otherwise qualified, may become a candidate for the office of Mayor or City Commissioner upon filing with the City Clerk a written notice of his or her intention to become a candidate in accordance with Article II and this Section, requesting that his or her name be printed upon the ballot and depositing with such written notice a sum equal to five percent (5%) of the then effective annual salary of the office the candidate seeks plus the costs of any applicable state mandated election fees as a qualifying fee for the office sought. All 5% qualification fees shall be

placed in the general fund of the City of Sanford and allocated toward the cost of City elections. State election fees shall be transferred to the State of Florida as provided by general State law.

(b) The period within which a candidate may qualify as above stated shall begin ninety-two (92) days prior to the election and shall terminate at 12:00 noon on the fifth regular working day for the City Clerk's office. Qualification can be effected only during normal working hours for the City Clerk's office. Persons who are in line at the termination of the qualification period shall be permitted to submit their papers that are available at that time in an attempt to qualify.

(c) Any person who is a qualified elector in the City of Sanford, and otherwise qualified, may alternatively become a candidate for the office of Mayor or City Commissioner upon filing with the City Clerk a written notice of his or her intention to become a candidate in accordance with Article II and this Section, requesting that his or her name be printed upon the ballot and presenting a written petition with the names of two hundred and fifty (250) signers who are eligible electors residing in the Commission district seat the candidate seeks. Candidates for Mayor qualifying by petition shall present a written petition with the names of five hundred (500) signers who are eligible voters residing within the City. The form of the petition shall comply with Florida law. Petitions for placing a candidate's name on the ballot may be submitted to the City Clerk for verification in whole or in part. Candidates qualifying by petition may begin collecting and turning in names on petitions one hundred and twenty (120) days in advance of the opening of the qualifying period. All petitions for placing a candidate's name on the ballot must be received by the City Clerk's office prior to the end of the qualifying period. The City Clerk shall present the names on written qualification petitions to the supervisor of elections office for certification as a valid elector and shall provide timely notification of the number of certified electors to the candidate until the requisite number of electors has been met or the qualification period has ended with the candidate being unable to meet the required numbers of certified electors during their qualification petition attempt.

(d) The costs, as required by State law, of elector certifications shall be paid to the City Clerk by the individual candidate(s) requesting the certification as a part of the qualifying procedures.

(e) The City Clerk shall verify the residency of candidates for Mayor and the City Commission district seats. Candidates shall reside in the district for which he or she seeks to qualify and shall sign an affidavit of residency and shall provide suitable documents establishing his or her residency as a part of the qualification process. Documents that shall suffice to serve as authoritative proof of residency include, but are not limited to, driver's licenses, homestead exemption documents, passports, voter identification cards, other governmental identification cards and utilities bills. Elected Commissioners for the Commission shall physically reside in the district they are elected to represent or reside in the district they seek to represent.

(f) It is understood that emergency exigent circumstances may arise from time to time.

(g) Should an exigent circumstance cause the physical place of abode of a Commissioner to be uninhabitable or destroyed and he or she is forced to take up temporary abode elsewhere within the City, then and in that event:

(1) The Commissioner/candidate shall make reasonable efforts to relocate within his or her elective district.

(2) Failing such effort, the Commissioner/candidate must seek the approval of the City Commission to temporarily reside outside his or her elected district.

(3) Commission authority for a Commissioner/candidate to reside out of district shall be granted for such reasonable period as a valid exigent temporary relocation requirement exists as determined by the Commission.

(4) Requests for extension shall be heard and acted upon by the Commission giving attendance to all exigent circumstances.

(h) Any person who is a resident of the City and has qualified as an elector therein may become a candidate for the office of Mayor or Commissioner by qualifying as described above and taking and subscribing to an oath or affirmation in substantially the form as required by the general laws of Florida.

(Ord. No. 4148, § 3, 8-26-2008/12-8-2008; Ord. No. 4453, § 3, 5-14-2018; Res. No. 2752, § 2(a)(4), 9-24-2018)

Section 6.03. - Reserved.

Editor's note— Ord. No. 4453, § 3, adopted May 14, 2018, repealed § 6.03, which pertained to names to be placed on ballot for regular election, and derived from the original Charter. This amendment was approved by the electorate of the City of Sanford during a regular municipal election held on August 28, 2018 (see Res. No. 2752, 9-24-2018).

Section 6.04. - Commission to declare person elected/commencement of term of office.

(a) All candidates elected as Mayor or as City Commissioner by regular or runoff election as provided in Section 6.01 shall take office on the second Monday in December immediately following the regular or runoff election at which successful candidates are determined. All candidates elected by special election shall take office after certification of the election results by the Commission.

(b) Transition. The City Commissioners seated on August 29, 2018, shall continue to serve through their current terms of office. City Commissioners elected in 2020 shall have terms of office which terminate consistent with the Charter amendment approved by the electorate of the City of Sanford on August 28, 2018.

(Ord. No. 4148, § 4, 8-26-2008/12-8-2008; Ord. No. 2012-4274, § 4, 6-25-2012; Ord. No. 4453, § 5, 5-14-2018; Res. No. 2752, § 2(a)(4), 9-24-2018)

Note— Refer to footnote in Article II, City Commission.

Section 6.05. - Reserved.

Editor's note— Ord. No. 4453, § 3, adopted May 14, 2018, repealed § 6.05, which pertained to absentee voting, and derived from the original Charter. This amendment was approved by the electorate of the City of Sanford during a regular municipal election held on August 28, 2018 (see Res. No. 2752, 9-24-2018).

Section 6.06. - Qualification of electors; prescribing method and manner of election.

No person shall be allowed to vote at any election for the purpose of electing City Commissioners and Mayor who is not a qualified voter under State law. All City elections shall be conducted substantially on the principal adopted for State elections. The City Clerk, with the approval of the City Manager, shall adopt rules and procedures relating to the administration and implementation of City elections and all provisions of the City Code on the effective date of this amendment shall be addressed by the City Manager and may be administratively repealed and deleted from the City Code and the City Clerk may adopt rules to replace such provisions of the City Code. All rules to be adopted by the City Clerk shall be presented to the City Commission for approval prior to the rules taking effect.

(Ord. No. 4453, § 3, 5-14-2018; Res. No. 2752, § 2(a)(4), 9-24-2018)

State Law reference— Qualification of electors, F.S. § 97.041.

Section 6.07. - City Commission Districts and Redistricting.

(a) Notwithstanding any other provision of this Charter the Mayor shall represent the City as a whole and be elected by electors throughout the City. Each City Commissioner shall represent a single City Commission district, shall actually physically reside in the district for which they seek office from the date of qualification for office until the expiration of the term of office for which elected and shall be elected solely by the voters of that district.

(b) There shall be a number of City Commission districts, either four (4) or six (6) in number, as determined by ordinance enacted by the City Commission, that shall be established, defined and geographically described areas of the City as defined by ordinances relating to City Commission redistricting as required by this Charter, general law and constitutional principles. Each district shall be formed from compact contiguous territory with the boundary lines following the centers of streets to the extent practicable. Due consideration shall be given to maintaining the geographical integrity of neighborhoods and developments within the individual districts. City Commission district lines shall be constructed so as to comply with the constitutional principles of equal and effective representation required by applicable State and Federal guidelines. The City Commission shall give due consideration to the multiple constitutional principles involved in the electoral process and shall give due regard for the opportunity of minority representation on the City Commission as a part of the redistricting process in compliance with applicable State and Federal constitutional standards.

(c) An incumbent Commissioner's seat number may change due to the realignment process occurring during redistricting. However, no incumbent Commissioner shall have a term of office cut short by the adoption of a redistricting plan.

(d) The City Commission may modify City Commission districts by the enactment of a successor ordinance under such processes, procedures and redistricting committees and/or consultants the City Commission may deem to be desirable. The City Commission shall begin the initiation of a redistricting process for City Commission districts within thirty (30) days after the receipt of the official Decennial Census data every ten (10) years so as to finalize the redistricting process one hundred fifty (150) days in advance of the first date to qualify for the next regular City election. In the event the redistricting process is not completed prior to said one hundred fifty (150) day advance period, the City Commission shall accomplish the redistricting process as soon as is reasonably possible thereafter. The official Decennial Census data shall be the authoritative source for demographical data used in reconstituting City Commission districts in compliance with applicable State and Federal standards.

(Ord. No. 3905, § 4, 1-10-2005; Ord. No. 4216, § 3, 8-9-2010/11-2-2010; Ord. No. 4453, § 1, 5-14-2018; Res. No. 2752, § 2(a)(4), 9-24-2018)