

Chapter 26 ELECTIONS¹

ARTICLE I. IN GENERAL

Sec. 26-1. Short title of chapter.

This chapter shall be known and may be cited as the "City of Dunedin Municipal Election Code."
(Code 1977, § 8-1)

Sec. 26-2. Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Absent elector means any registered and qualified voter who casts an absentee ballot.

Ballot and *official ballot* when used in reference to:

- (1) *Paper ballots* means that printed sheet of paper, used in conjunction with an electronic or electromechanical vote tabulation voting machine, containing the names of candidates, or a statement of proposed constitutional amendments or other questions or propositions submitted to the electorate at any election on which a sheet of paper an elector casts his or her vote.
- (2) *Electronic or electromechanical devices* means a ballot that is voted by the process of electronically designating, including by touch screen or marking with a marking device for tabulation by automatic tabulating equipment or data processing equipment.

Candidate means any individual that complies with all of the following:

- (1) As a condition precedent to qualifying, the person shall prove he/she is a qualified elector and prove that he/she is a resident of the city by having physically resided within the City of Dunedin for a period of at least one year immediately prior to submitting the petition cards.
- (2) The person shall comply with all applicable provisions of the state election law with regard to the requirements for candidacy certification, conduct of the election campaign and campaign financing and compliance with state candidate financial disclosure requirements.
- (3) The person shall comply with the City of Dunedin City Charter and chapter 26 titled "Elections" of the City of Dunedin Code of Ordinances.

City attorney means the duly appointed city attorney of the City of Dunedin, or the assistants thereto.

¹Charter reference(s)—Elections, § 5.01 et seq.

Cross reference(s)—Any ordinance calling an election saved from repeal, § 1-9(13); administration, ch. 2; administration of Uniform Land Development Code, ch. 94.

State law reference(s)—Florida election code, chs. 97—106.

City clerk and *clerk* mean the duly appointed city clerk, or the assistants thereto.

City election (for the purpose of article II of this chapter) means the last election in the city at which an individual was elected to the office of city commissioner, whether such candidacy was opposed or unopposed.

Early voting means casting a ballot prior to election day at a location designated by the supervisor of elections and depositing the voted ballot in the tabulation system.

Election means any city election, be it to choose elected officials or consider issues, including runoff elections and special elections.

Elector and *voter* shall mean a qualified resident of the city on the day of the election properly registered in accordance with F.S. §§ 97.041—97.105.

Issue means a proposed amendment to the City Charter, a proposed ordinance proposed by initiative pursuant to the City Charter, or repeal of an ordinance by referendum, 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.

Issue election means an election called for the purpose of approving or disapproving an issue including, but not limited to, Charter amendment, initiative, referendum, bond authorization, annexation, recall, straw ballot, or other public question voted upon by the electors.

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, a newspaper the primary function of which is to carry legal notices, or a newspaper that is given away primarily to distribute advertising.

Nonpartisan and *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 political party affiliation.

Office and *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 that geographic area designated by the board of county commissioners upon recommendation of the supervisor of elections pursuant to F.S. § 101.001.

Qualifying means the procedure whereby an individual causes his name to be placed on the next city election as a candidate for city office.

Qualifying officer means the person with whom the candidate must qualify.

Regular city election means an election to fill the office of city commissioner held at the time prescribed in the City Charter.

Special election means an election called for the purpose of filling a vacancy in an elected city office or to approve or disapprove an issue.

Supervisor of elections means the Pinellas County supervisor of elections.

Voting machine means the electromechanical or electronic equipment or device approved or certified by the state secretary of state pursuant to F.S. §§ 101.292—101.295 and 101.5603—101.56064, used to cast ballots in an election, and owned or provided by the county supervisor of elections.

(Code 1977, § 8-2; Ord. No. 04-26, § 1, 9-2-2004; Ord. No. 12-24, § 1, 6-21-2012; Ord. No. 15-21, § 1, 5-21-2015)

Cross reference(s)—Definitions generally, § 1-2.

Secs. 26-3—26-30. Reserved.

ARTICLE II. ELECTION ADMINISTRATION²

Sec. 26-31. City clerk designated chief elections officer.

The city clerk is hereby designated the chief elections officer of the city and shall see that all city elections are conducted in a proper and legal manner. Subject to the approval of the city commission, the city clerk may delegate any or all of the responsibilities for administering the election to the supervisor of elections.

(Code 1977, § 8-3)

Sec. 26-32. Dates of elections.

- (a) The municipal election to elect the members of the city commission shall be held on the first Tuesday following the first Monday in November in the years that an election is held.

Except as otherwise provided by state law or City Charter, an issue election may be called by the city commission by ordinance. Whenever possible, the issue election shall be held in conjunction with a regular state, county or city election.

- (b) An incumbent commissioner shall continue to hold his or her office until a regular city election occurs and the incumbent's successor takes office.

(Code 1977, § 8-62; Ord. No. 04-25, § 1, 9-2-2004; Ord. No. 11-05, § 5, 4-21-2011; Ord. No. 11-46, § 5, 12-15-2011; Ord. No. 12-24, § 2, 6-21-2012)

Sec. 26-33. Precincts.

- (a) Those precincts approved by the board of county commissioners pursuant to F.S. § 101.001, 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 boundaries to the boundaries of the city per F.S. § 101.002.

- (b) The city clerk shall see that a certified copy of any annexation ordinance approved by the city commission is sent to the supervisor of elections. Precinct boundaries may be altered to conform to the municipal boundaries as 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.

(Code 1977, § 8-63)

Sec. 26-34. Polling places.

- (a) The polling places shall be designated by the supervisor of elections pursuant to F.S. § 101.001.

²Cross reference(s)—Administration, ch. 2.

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- (b) Whenever necessary, polling place locations may be temporarily changed in the manner provided in F.S. §§ 101.71(2) and (3), and 101.74.
 - (c) Each polling place shall, whenever possible, be accessible to the handicapped and comply with the standards of accessibility set forth in F.S. § 101.715(1).

(Code 1977, § 8-64; Ord. No. 04-26, § 2, 9-2-2004; Ord. No. 12-24, § 3, 6-21-2012)

Sec. 26-35. Voting machines.

- (a) Unless otherwise determined by resolution of the city commission, voting machines shall be used in each city election. The machines shall be owned by the county and supplied by the supervisor of elections, unless the city is using machines on an experimental basis as authorized by state statutes. The voting machines shall comply with the requirements for voting equipment as established in F.S. ch. 101.
- (b) The number of voting machines in each precinct for city elections shall be determined by the supervisor of elections.
- (c) The voting machines to be used in a city election shall be prepared by the supervisor of elections in accordance with F.S. ch. 101.

(Code 1977, § 8-65; Ord. No. 04-26, § 3, 9-2-2004; Ord. No. 12-24, § 4, 6-21-2012)

Sec. 26-36. Ballots.

- (a) Unless otherwise determined by resolution of the city commission, the form of the ballot in elections for city commissioner shall be in substantially the same form as the form of the ballot for the state general election prescribed in F.S. §§ 101.151—101.161.
- (b) Candidates shall be grouped together on the ballot in alphabetical order by the last name of each candidate.
- (c) Ballots shall be prepared by the supervisor of elections in accordance with state law and this chapter.
- (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 days prior to the election. The city clerk shall publish the sample ballot. Such publication shall be conspicuous and not included within the legal notices and advertisements being published per F.S. ch. 50.

(Code 1977, § 8-66; Ord. No. 04-26, § 4, 9-2-2004; Ord. No. 12-24, § 5, 6-21-2012)

Sec. 26-37. Poll workers.

- (a) At each polling place a sufficient number of poll workers shall be determined and appointed by the supervisor of elections for any city election.
- (b) In the event that the supervisor of election does not determine or appoint the poll workers the City Clerk shall do so under the following guidelines:
 - (1) Poll workers shall conduct the election in the manner provided by Florida Statute and in the manner provided in this Code not inconsistent with state statute and report the results in the manner directed by the city clerk.
 - (2) One 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.

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- (3) Poll workers shall conduct the election, and at the close of the polls ascertain the results for that precinct in the manner provided in F.S. chs. 101 and 102, to the extent not inconsistent with this chapter, and report the results in the manner directed by the city clerk. Electors shall cast their votes in the manner provided in F.S. ch. 101.

(Code 1977, § 8-67; Ord. No. 04-26, § 5, 9-2-2004; Ord. No. 07-23, § 1, 10-18-2007; Ord. No. 12-24, § 6, 6-21-2012)

Sec. 26-38. Absentee voting.

Voting by absentee ballot shall be administered pursuant to state law or as otherwise determined by the supervisor of elections.

(Code 1977, § 8-68; Ord. No. 04-26, § 6, 9-2-2004; Ord. No. 12-24, § 7, 6-21-2012)

State law reference(s)—Absentee ballots, F.S. §§ 101.6105—101.69.

Sec. 26-39. Early voting.

Early voting shall be administered as per Florida State Statutes, and the procedures of the Supervisor of Elections of Pinellas County and shall occur at the locations determined by the supervisor of elections.

(Ord. No. 04-26, § 7, 9-2-2004; Ord. No. 07-23, § 2, 10-18-2007; Ord. No. 12-24, § 8, 6-21-2012)

Secs. 26-40—26-70. Reserved.

ARTICLE III. CANDIDATES³

Sec. 26-71. Resign-to-run.

- (a) No individual may qualify as a candidate for city office whose name appears, or will appear, on the same or another ballot for another public office, the term of which, or its part, runs concurrently with the terms of the city office.
- (b) Any individual qualifying for city office shall comply with the provisions of F.S. § 99.012(2) prior to qualifying, if applicable.
- (c) Any person holding an appointive position on any city committee, or board, or any city employee shall be required to resign from such position prior to qualifying as a candidate for mayor or city commissioner on or before the day such person files the necessary qualifying papers and pays the required fee to qualify for such election. Any person failing to resign such position shall be deemed to have resigned such position upon qualification with the city clerk for election to mayor or city commission. No formal acceptance of such resignation by the city commission shall be necessary in order for such resignation to be effective. The resignation shall not be deemed to constitute a qualification for office but shall act only to terminate employment or membership on the appointive board.

(Code 1977, § 8-17)

³State law reference(s)—Candidates campaign financing law, F.S. ch. 106.

Sec. 26-72. Candidate's oath.

- (a) Each individual in order to qualify as a candidate for city office shall take and subscribe to an oath or affirmation in writing.
- (b) The form of the oath required by subsection (a) of this section shall be substantially as follows:

State of Florida
County of Pinellas

Before me, an officer authorized to administer oaths, personally appeared _____ (please print name as you wish it to appear on the ballot) _____, to me well known, who, being sworn, says that as a candidate for the office of _____; that he/she is a qualified elector of Pinellas County, Florida; that he/she is qualified under the Constitution and the laws of Florida to hold the office to which he/she desires to be nominated or elected; that he/she has taken the oath required by F.S. §§ 876.05—876.10; that he/she has qualified for no other public office in the state, the term of which office or any part thereof runs concurrent with that of the office he/she seeks; and that he/she has resigned from any office from which he/she is required to resign pursuant to F.S. § 99.012.

(Signature of Candidate)
(Address)

The foregoing instrument was acknowledged before me this ___ day of _____ by _____ who is personally known to me, or who has produced _____ as identification, and who did (did not) take an oath.

SEAL

(Signature)
Typed or Printed Name
Commission No.
Commission Expires

(Code 1977, § 8-18)

Sec. 26-73. Method of qualifying.

- (a) *General requirements.* Each person seeking to qualify as a candidate for city office shall file with the city clerk a candidate's oath and a request that the candidate's name be printed on the next city election ballot, together with campaign finance reports required by F.S. § 106.07, and a statement of financial interests required by F.S. § 112.3145, if applicable, or copies in lieu of originals previously filed.
- (b) *Qualification fee.*
 - (1) Unless qualifying pursuant to the alternative method of qualifying set forth in subsection (d) of this section, a qualification fee of one percent of the annual salary of the office sought shall be paid at the same time as the qualification papers are filed pursuant to subsection (a) of this section.
 - (2) Each person seeking to qualify for nomination or election to a municipal office shall pay, at the time of qualifying for office, an election assessment in accordance with F.S. § 99.093. Within 30 days after the close of qualifying, the qualifying officer shall forward all amounts collected pursuant to F.S. § 99.093, and this section to the department of state for deposit in the elections commission trust fund. Payment

of the qualifying fee and election assessment shall be by a check drawn on the candidate's campaign account payable to the city, delivered to the city clerk, who shall see that it is deposited in the general revenue fund of the city.

(c) *Petition cards.*

- (1) Candidates for the city commission shall each be nominated by petition cards signed personally by not less than 150 qualified voters in the city in the exact manner as the signature of the qualified voter appears on the registration books of the Pinellas County Supervisor of Elections. Petition cards shall be as prescribed by the city clerk and shall contain the residence address of each signer.
- (2) Petition cards shall be filed with the city clerk not more than 113 days and must be certified by 12:00 noon, local time, on the 99th day before the said election. The decision of the supervisor of elections shall be final in determining the validity of the signatures on the petition cards.
- (3) As a condition precedent to qualifying, the candidates shall be required to file with their petition cards personal affidavits showing that they are residents of the city, having physically resided therein for a period of at least one year immediately prior to submitting the petition cards and are qualified electors of the city.
- (4) Candidates shall comply with all applicable provisions of the state election law with regard to the requirements for candidacy certification, conduct of the election campaign and campaign financing and compliance with state candidate financial disclosure requirements.
- (5) The petition cards shall be transmitted by the city clerk to the supervisor of elections for signature verification pursuant to F.S. § 99.097. The supervisor of elections shall notify the city clerk within five working days after receipt together with a certification of the number of signatures of city electors on the petition cards and whether that number equals or exceeds the requisite number. The cost of signature verification shall be paid pursuant to F.S. § 99.097(4), except that if a candidate is entitled to have the signatures verified at no cost to that candidate, the supervisor of elections shall submit a statement for the cost of such verification, not to exceed \$0.10 per signature, to the city for payment. A candidate is entitled to have the petition card signatures verified at no cost to that candidate, provided that the candidate executes an affidavit under oath that the candidate cannot pay the charges for verification without imposing an undue burden upon the financial resources available to the candidate. Such affidavit shall be filed with the city clerk together with the petition cards.
- (6) Upon receipt of the supervisor of election's certification, the city clerk shall notify the candidate of the result of the verification, and if the requisite number of valid signatures was attained, the city clerk shall place the candidate's name on the next city election ballot and he shall be considered as having qualified as of the date the requisite number of petition cards were certified as valid.

(d) *Alternative qualifying methods.*

- (1) As an alternative method for qualifying for those individuals unable to or unwilling to pay the qualification fee, petition cards containing the signatures of city electors equal in number to one percent of the total registered electors of the city as of the most recent preceding regular city election may be filed with the city clerk, together with the required qualification papers, requesting that the individual's name be placed on the next city ballot for the office designated on the petition. The petition shall be filed with the city clerk not more than 113 days and must be certified by 12:00 noon, local time, on the 99th day before the said election, pursuant to section 26-74.
- (2) The petition cards shall be transmitted by the city clerk to the supervisor of elections for signature verification pursuant to F.S. § 99.097. The supervisor of elections shall notify the city clerk within ten days after receipt together with a certification of the number of signatures of city electors on the petition and whether that number equals or exceeds the requisite number. The cost of signature verification shall be paid pursuant to F.S. § 99.097(4), except that in the event a candidate is entitled to

have the signature verified at no cost to that candidate, the supervisor shall submit a statement for the cost of such verification, not to exceed \$0.10 per signature, to the city for payment. A candidate is entitled to have the petition card signatures verified at no cost to that candidate, provided that he executes an affidavit, under oath, that the candidate cannot pay the charges for verification without imposing an undue burden upon the financial resources available to the candidate. Such affidavit shall be filed with the city clerk together with the petition cards.

- (3) Upon receipt of the supervisor's certification, the city clerk shall notify the candidate of the result of the verification, and if the requisite number of valid signatures was attained, the city clerk shall place the candidate's name on the next city election ballot, and the candidate shall be considered as having qualified as of the date the requisite number of petition cards were certified as valid.

(Code 1977, § 8-19; Ord. No. 04-26, §§ 8, 9, 9-2-2004; Ord. No. 07-23, § 3, 10-18-2007; Ord. No. 11-05, § 6, 4-21-2011; Ord. No. 11-46, § 6, 12-15-2011; Ord. No. 12-24, § 9, 6-21-2012; Ord. No. 13-05, § 1, 2-21-2013; Ord. No. 15-21, §§ 2, 3, 5-21-2015; Ord. No. 17-28, § 1, 12-21-2017)

Sec. 26-74. Time for qualifying.

No person may qualify as a candidate prior to the 113th day before the next city election nor later than 12:00 noon, local time, on the 99th day before the said election, except that if the 99th day falls on a day that is a Saturday, Sunday or city holiday, the qualifying period shall be extended to the next city business day.

(Code 1977, § 8-20; Ord. No. 04-26, § 10, 9-2-2004; Ord. No. 07-23, § 4, 10-18-2007; Ord. No. 12-24, § 10, 6-21-2012; Ord. No. 13-05, § 2, 2-21-2013; Ord. No. 17-28, § 2, 12-21-2017)

Sec. 26-75. Withdrawal of a 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. The candidate's name shall then not be printed on the ballot or, in the event the ballots have been printed, the name shall be removed if, in the opinion of the clerk, time permits without disrupting the administration of the election.
- (b) If the withdrawal of a qualified candidate following the end of the qualifying period results in only one candidate remaining on the ballot for that office, the remaining candidate shall 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. Each commission seat shall be deemed to be an office. In this situation, when two commission seats are to be filled when the withdrawal of a qualified candidate leaves one or fewer candidates, a vacancy shall exist as to such seat and such vacancy shall be filled in accordance with the City Charter, section 3.06.
- (c) A vote cast for a candidate who has withdrawn shall not be canvassed or certified as a valid vote.

(Code 1977, § 8-21; Ord. No. 15-21, § 4, 5-21-2015)

Sec. 26-76. Death or removal of a candidate; fewer than two candidates remaining.

- (a) If the death or removal from the ballot of a qualified candidate following the end of the qualifying period results in fewer than two candidates remaining for a single office or fewer than three candidates for the office of commissioner when two commission seats are to be filled, a special election shall be scheduled by the city commission not less than 70 days nor more than 120 days after the vacancy in the candidacy has occurred.

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- (b) If such special election is called, a supplemental qualifying period shall commence on the day following the day that the city commission scheduled such special election. The supplemental qualifying period shall end at noon on the 71st day prior to the date of the special election. Any candidate wishing to qualify during the supplemental qualifying period shall qualify as is otherwise set forth in section 26-73.
 - (c) A remaining candidate, if any, for the office subject to the special election shall not be required to requalify for election or pay a second qualifying fee. The 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. The remaining candidate may continue to accept campaign contributions until the candidate is declared unopposed. If no additional candidate is qualified and the remaining candidate is therefore unopposed, the candidate shall be declared elected in accordance with the City Charter.
 - (d) The filing of campaign expense statements pursuant to F.S. ch. 106 by candidates in the special election, including a remaining candidate, shall not be later than such dates as are established by the city clerk. In establishing such dates, the city clerk shall take into consideration and be governed by the practical time limitations and the date so established for such statements in a regular city election.
 - (e) If a special election is called pursuant to this section 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. If an absentee voter returns the initial ballot, the absentee voter's vote for that office for which the special election was called will be null and void but the elector's votes on all other offices and issues shall be counted.
 - (f) If during the supplemental qualifying period no candidates qualify for a single office, or if during such period the one qualified candidate is eliminated because of death, withdrawal or removal from the ballot, and if a vacancy shall result on the city commission, such vacancy shall be filled in accordance with the provisions of the City Charter. In the situation where two commission seats are to be filled and no candidates qualify or only one candidate qualifies during the supplemental period, the sole candidate, if any, shall be declared elected and the vacancy shall be filled in accordance with the provisions in the City Charter.
 - (g) The name of any qualified candidate who has withdrawn, died or been removed from the ballot shall not be printed on the ballot. If the ballot cannot be modified prior to the election, any votes for that candidate shall be null and void.

(Code 1977, § 8-22; Ord. No. 04-26, § 11, 9-2-2004; Ord. No. 07-23, § 5, 10-18-2007)

State law reference(s)—Requirement for a procedure to fill vacancy due to death, withdrawal or resignation of candidate under certain circumstances, F.S. § 166.031(6).

Sec. 26-77. Return of qualifying fee.

The candidate who dies, withdraws or is removed from the ballot after having qualified and paid the qualification fee shall not be entitled to a refund of the qualifying fee.

(Code 1977, § 8-23)

Sec. 26-78. Candidate's name.

The name of the 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.

(Code 1977, § 8-24)

Secs. 26-79—26-110. Reserved.

ARTICLE IV. ISSUE ELECTIONS⁴

Sec. 26-111. Calling of election.

Except as otherwise provided by state law or city Charter, an issue election may be called by the city commission upon approval of a resolution to that effect following certification from the city clerk that any and all applicable procedures and requirements relating to such an election have been satisfied. Except as provided by city Charter or state law, the issue election shall be held in conjunction with a regular state or city election, unless a special election on another date is deemed necessary by the city commission.

(Code 1977, § 8-35)

Charter reference(s)—Procedure for submittal of petition to voters, § 5.09.

Sec. 26-112. Applicable election laws.

Except as otherwise provided by state law or city Charter, an issue election shall be conducted pursuant to the provisions of this chapter.

(Code 1977, § 8-36)

Sec. 26-113. Ballot language.

- (a) The city commission shall in the resolution calling the election provide the language to appear on the ballot.
- (b) Except for those issues on which state law prescribes the language to appear on the ballot, the ballot language shall consist of a title and the substance of the issue stated in the form of a question in clear and unambiguous language followed by the words "yes" and "no," and styled in such a manner that a "yes" vote will indicate approval of the proposal and a "no" vote will indicate rejection.
- (c) If state law prescribes the specific language to appear on the ballot, the ballot language shall be in the form as provided in the applicable state law.
- (d) If a special act of the legislature relating to the city requires the approval of the electors of the city to be effective, the ballot language shall be as set forth in the special act. However, should the act not prescribe the ballot language, the city attorney shall prepare the language consisting of a brief summation of the act not exceeding 75 words in a question form and providing for a "yes" vote indicating approval of the act and a "no" vote indicating disapproval or rejection of the act.
- (e) If a third party petitioner has circulated a petition for referendum and has provided ballot title and an explanatory statement of the substance of the amendment or other public measure pursuant to state statute and pursuant to subsection (c) of this section, the resolution adopted by the city commission shall provide for such language to appear on the ballot.

⁴Charter reference(s)—Initiative and referendum, §§ 5.08—5.10.

State law reference(s)—Issue elections, F.S. § 100.161.

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- (f) The ballot title shall consist of a caption not exceeding 15 words by which the measure is commonly referred.
 - (g) The substance of the issue shall be an explanatory statement of the primary purposes of the issue in the form of a question not exceeding 75 words.
 - (h) If more than one issue is to appear on the same ballot, a consecutive designating number shall be assigned by the city clerk to each in the order of filing of the appropriate petition or other document required in order to be placed on the ballot or approval by the city commission of the resolution calling the election. Referenda on special acts shall be separately designated.
 - (i) No later than 95 days prior to the issue election, the city clerk shall transmit to the supervisor of elections a certified copy of any resolution calling an issue election together with the designating number, if applicable, the ballot title, and substance of the issue.

(Code 1977, § 8-37; Ord. No. 12-24, § 11, 6-21-2012)

Sec. 26-114. Notice of election.

- (a) The city clerk shall cause a notice of election to be published in a newspaper of general circulation at least once during the fifth week and once in the third week preceding the week in which the election is held.
- (b) The notice shall be styled "City of Dunedin, Notice of Election," and shall state the date of the election and issue to be voted upon. The ballot language shall be included in the notice.

(Code 1977, § 8-38)

Sec. 26-115. Ballot position.

Any issue on a ballot also having candidates for elective office shall be placed in a position on the ballot so that it is separate and distinct from that portion of the ballot containing candidates' names, and shall be placed on the ballot either after or to the right of the candidates position on the ballot.

(Code 1977, § 8-39)

Sec. 26-116. Canvassing.

The Pinellas County Canvassing Board is responsible for canvassing the election.

(Code 1977, § 8-40; Ord. No. 12-24, § 12, 6-21-2012)

Sec. 26-117. Informational expenditures; suspected or alleged violations of state statutes.

- (a) The city commission may appropriate funds for electioneering communications to the public in connection with any issue, referendum or amendment, including any state guest ion, so long as the electioneering communication is limited to factual information, pursuant to Florida Statute § 106.113.

The city commission shall not be considered a political committee as defined in state statutes and shall not be required to file reports of any such informational expenditures pursuant to state statutes.

- (b) Any suspected or alleged violations of F.S. ch. 106 in connection with any issue election shall be transmitted to the Florida Elections Commission pursuant to the enforcement provisions of that chapter.

(Code 1977, § 8-41(c), (d); Ord. No. 12-24, § 13, 6-21-2012)

Sec. 26-118. Administration.

An issue election called pursuant to this chapter shall be conducted and administered by the supervisor of elections under the direction of the city clerk pursuant to the procedures set forth in applicable state law or article II of this chapter.

(Code 1977, § 8-42)

Cross reference(s)—Administration, ch. 2.

Sec. 26-119. City Charter amendments.

Proposed amendments or revisions to the city Charter shall be proposed and submitted to the electors in accordance with state statutes. To the extent not inconsistent with that statute, the provisions of this article shall otherwise apply.

(Code 1977, § 8-43)

Sec. 26-120. Initiative.

- (a) Ordinances proposed by initiative shall be proposed and voted upon in the manner provided in the city Charter and this chapter.
- (b) The city clerk shall receive all filings required by the City Charter relating to initiative. For the purpose of this section, a filing shall be made as of the time of actual receipt or receipt by mail at the office of the city clerk.
- (c) Petition blanks shall consist of one sheet of paper, printed on only one side, entitled "City of Dunedin Initiative Petition." The blank shall be substantially the following form:

City of Dunedin
Initiative Petition

The petitioner's committee listed below has proposed an ordinance by initiative. A summary of the ordinance is as follows:

(Summary of ordinance)

This proposed ordinance, if signed by 15 percent of the total number of qualified voters registered to vote at the last city election will be presented to the city commission. If it is not adopted by the city commission, it will then be submitted to the voters. If you approve of the ordinance and/or wish it to be submitted to the commission and the voters, please sign below, but only if you are a registered voter of the City of Dunedin.

Petitioner's Committee	Elector's signature as appears on voter registration rolls
Name	Residential street address
Name	City, State, Zip Code and County
Name	
Name	Registration Date
	Number or Date of Birth

Name	
------	--

Circulator's Affidavit

I, the undersigned, personally circulated this paper, the one signature affixed was done in my presence, the signer had an opportunity to read the full text of the proposed ordinance, and believe it to be a genuine signature.

	Circulator
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The foregoing instrument was acknowledged before me this ___ day of _____ by _____ personally known to me, or who has produced _____ as identification, and who did (did not) take an oath.

SEAL

Notary Public Signature:

Typed or Printed Name:

Commission No.:

Commission Expires:

- (d) Petition blanks for each issue shall be of a uniform size as required in the Charter § 5.09(a)(2) and shall be prepared at the expense of the petitioner's committee. No blank may be circulated for signature prior to the filing of the affidavit by the petitioner's committee as required by the City Charter, and the approval of the form by the city clerk.
- (e) As required in the City Charter, upon the filing of an initiative petition, the city clerk shall determine if it is sufficient as to form, content, and circulator affidavits. If not, the city clerk shall promptly issue an insufficiency certificate and mail it to the petitioner's committee by registered mail. A petition deemed insufficient for any reason other than lack of the required number of signatures may not be amended or resubmitted.
- (f) A petition deemed by the city clerk to be sufficient as to form, content, and circulator affidavits shall be promptly delivered to the supervisor of elections for verification of signatures pursuant to F.S. § 99.097; however, the random sample procedure of F.S. §§ 99.097(1)(a), (b) and (2) shall not be used. The petitioner's committee shall pay the supervisor the fee for verifications as required by F.S. § 99.097(4). The supervisor shall complete the verifications no later than the 30th day following the date of the filing of the petition with the city clerk, and prepare a certificate, notifying the city clerk, the number of signatures checked, the number verified to be valid, and the number verified invalid. Upon receipt of the certificate, the city clerk shall compare the number of verified signatures to the number equal to 15 percent of the total number of qualified voters registered to vote at the last city election, and, if the number of verified signatures equals or exceeds the requisite number, the city clerk shall issue a certificate of sufficiency, and transmit a copy by registered mail to the petitioner's committee, and deliver a copy of the certificate and the proposed ordinance to the members of the city commission.
- (g) If the city commission fails to adopt a proposed initiative ordinance without any change in substance within 60 days of issuance of the certificate of sufficiency by the city clerk, it shall, no later than the 60th day following issuance of the certificate of sufficiency, adopt a resolution calling an issue election to consider the proposed ordinance, and prescribing the ballot language in the manner provided in this article. The election shall be held not less than 90 days nor more than 150 days after the approval of the resolution, contingent

upon the support of the supervisor of elections. Whenever possible, the election shall be held in conjunction with regularly scheduled state or city election.

- (h) At any time prior to the 15th day preceding the election, at least four members of the petitioner's committee may file with the city clerk a written request under oath for withdrawal of the initiative petition. Upon filing, the petition shall be considered withdrawn and no longer of any effect. If the city commission is considering the ordinance at the time of withdrawal, it may, in its discretion, continue such consideration. If an election has been called prior to the petition withdrawal, the city clerk shall, upon receipt of the request, transmit a notice to the city commission and the supervisor of elections, and the city commission shall by resolution cancel the election.
- (i) If at any time prior to, or on, the fourth or fifth day following issuance of the certificate of sufficiency, the city commission adopts the proposed initiative ordinance without any change in substance, and an issue election has previously been called for the electors to vote on that ordinance, the city commission shall by resolution cancel that election.
- (j) If an ordinance proposed by initiative is submitted to an election, it shall be adopted if a majority of the electors voting in that election approve the ordinance. It shall be adopted as of the date the results of the election are canvassed and certified by the Pinellas County Canvassing Board in the manner provided in article V of this chapter. The effective date of the ordinance shall be the date the election results are certified or on the date set forth in the ordinance, whichever is later.
- (k) If two or more ordinances are approved at the same election, and in the opinion of the city attorney two or more such ordinances are in conflict, in whole or in part, the election results shall be canvassed and certified, but the ordinance in conflict receiving the largest number of affirmative votes shall be effective to the extent of the conflict, and the conflicting provisions of any other ordinance shall be considered repealed by the ordinance receiving the largest number of affirmative votes.

(Code 1977, § 8-44; Ord. No. 12-24, § 14, 6-21-2012)

Sec. 26-121. Referendum.

- (a) A referendum to repeal an ordinance previously adopted by the city commission shall be proposed and voted upon in the manner provided in the City Charter, and this chapter.
- (b) The city clerk shall receive all filings required by the City Charter relating to referendum. For the purpose of this section, a filing shall be made as of the time of actual receipt or receipt by mail at the office of the city clerk.
- (c) The petitioner's committee shall be considered a political committee within the definition of F.S. § 106.01(1) and shall comply with all registration, reporting, and campaign finance requirement of F.S. ch. 106.
- (d) Petition blanks shall consist of one sheet of paper, printed on only one side, entitled "City of Dunedin Referendum Petition." The blank shall be in substantially the following form:

City of Dunedin

Referendum Petition

The petitioner's committee listed below is proposing that Ordinance No. _____ adopted on _____ be repealed. A summary of the ordinance is as follows:

(summary of ordinance)

If this petition is signed by 15 percent of the total number of qualified voters registered to vote at the last city election, and the city commission fails to repeal the ordinance, the voters of the city will vote whether to repeal. If

you want the ordinance repealed and/or submitted to the voters, please sign below, but only if you are a registered voter of the city.

Petitioner's Committee	Elector's signature as appears on voter registration rolls
Name	Residential street address
Name	City, State, Zip Code and County
Name	
Name	Registration Number Date of Signature
	or Date of Birth
Name	

Circulator's Affidavit

I, the undersigned, personally circulated this paper, the one signature affixed was done in my presence, the signer had an opportunity to read the full text of the ordinance sought to be reported, and I believe it to be a genuine signature.

	Circulator
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The foregoing instrument was acknowledged before me this ___ day of _____ by _____ who is personally known to me, or who has produced _____ as identification, and who did (did not) take an oath.

SEAL

Notary Public Signature:

Typed or Printed Name:

Commission No.:

Commission Expires:

- (e) Petition blanks for each ordinance sought to be repealed shall be of a uniform size and shall be prepared at the expense of the petitioner's committee. No blanks may be circulated for signature prior to the filing of the affidavit by the petitioner's committee as required by the City Charter.
- (f) Upon the filing of a referendum petition, the city clerk shall determine if it is sufficient as to timeliness, form, content, and circulator affidavits. If not, the clerk shall promptly issue an insufficiency certificate and mail it to the petitioner's committee by registered mail. A petition deemed insufficient for any reason other than lack of the required number of signatures may not be amended or resubmitted.
- (g) A petition deemed by the city clerk to be sufficient as to timeliness, form, content, and circulator affidavit shall be promptly delivered to the supervisor of elections for verification of signatures pursuant to F.S. § 99.097; however, the random sample procedure of F.S. §§ 99.097(1)(b) and (2)) shall not be used. The petitioner's committee shall pay the supervisor the fee for verification as required by F.S. § 99.097(4). The supervisor of elections shall prepare a certificate which shall be promptly delivered to the city clerk, stating the number of signatures checked, the number verified to be registered electors of the city, and the number of signatures determined not to be registered electors of the city. Upon receipt of the certificate, the city

clerk shall compare the number of verified signatures to the number equal to 15 percent of the total number of qualified voters registered to vote at the last city election, and if the number of verified signatures equals or exceeds the requisite number, the city clerk shall issue a certificate of sufficiency, transmit a copy by registered mail to the petitioner's committee, and deliver a copy of the certificate and the proposed ordinance to the members of the city commission.

- (h) If the city commission fails to repeal an ordinance sought to be repealed by referendum within 60 days of issuance of a certificate of sufficiency by the city clerk, it shall, no later than the day following issuance of a certificate of sufficiency, adopt a resolution calling an issue election and prescribing the ballot language in the manner provided in this article. The election on the proposed ordinance shall be held not less than 90 days nor more than 150 days after the approval of the resolution, contingent upon the support of the supervisor of elections. Whenever possible, the election shall be held in conjunction with a regularly scheduled state or city election.
- (i) At any time prior to the 15th day preceding the election, at least four members of the petitioner's committee may file with the city clerk a request for withdrawal of the referendum petition as provided in City Charter § 5.09(c). Upon filing, the petition shall be considered withdrawn and no longer in effect. If the city commission is considering the ordinance at the time of withdrawal, it may, in its discretion, continue consideration. If an election has been called prior to the petition withdrawal, the city clerk shall, upon receipt of the petition, transmit a notice to the city commission and the supervisor of elections, and the city commission shall by resolution cancel the election.
- (j) If an ordinance sought to be repealed by referendum is submitted to an election, it shall be repealed if a majority of the electors voting in that election approve the repeal. It shall be repealed as of the date the election is canvassed and certified by the Pinellas County Canvassing Board in the manner provided in article V of this chapter.

(Code 1977, § 8-45; Ord. No. 12-24, § 15, 6-21-2012)

Charter reference(s)—Initiative and referendum procedure, § 5.08.

Sec. 26-122. Bond authorization.

- (a) An election to approve the issuance of bonds or other forms of indebtedness shall be called and conducted pursuant to F.S. § 100.291 and this chapter to the extent not to conflict with state law.
- (b) No bond referendum shall be limited to voting by freeholders. Any registered elector residing within the city shall be qualified and eligible to vote in bond referenda, provided that such elector has registered no less than 30 days prior to the date of the election.

(Code 1977, § 8-47(a), (b))

Sec. 26-123. Straw ballot.

- (a) The city commission may at any time, by ordinance, call a special election for the purpose of having the electors of the city vote on an issue in a nonbinding referendum. The ordinance shall call the election, set the date therefor and prescribe the ballot language. The city clerk shall cause a notice of election to be published in accordance with section 26-114.
- (b) The election may be held in conjunction with a regularly scheduled state, county or city election or at such other time as provided by the city commission.
- (c) The campaign finance provisions of F.S. ch. 106 shall apply to elections called pursuant to this section.

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- (d) The Pinellas County Canvassing Board shall canvass and certify the results of the election as provided in article V of this chapter.

(Code 1977, § 8-48; Ord. No. 12-24, § 16, 6-21-2012)

Sec. 26-124. Other issues.

An election on any issue not otherwise provided for in this article shall be conducted in such manner as provided in the ordinance calling the election.

(Code 1977, § 8-49; Ord. No. 12-24, § 17, 6-21-2012)

Sec. 26-125. Removal of names.

Any person may request the removal of his name from a previously executed petition prior to the filing of the petition with the city clerk. The responsibility for removal of any name pursuant to a request shall be that of the petitioner's committee and failure to promptly do so when requested shall be a violation of this subsection and punishable as provided in section 1-15 of this Code.

(Code 1977, § 8-51)

Secs. 26-126—26-160. Reserved.

ARTICLE V. CANVASSING; PROTESTING AND CONTESTS

Sec. 26-161. Canvassing board.

- (a) The Pinellas County Canvassing Board is responsible for canvassing all ballots cast in any city election.
- (b) The Pinellas County Canvassing Board will convene at a meeting to be held at a time and date set by the canvassing board after the provisional ballots have been reviewed and accepted. At such meeting the Pinellas County Canvassing Board will certify the election results and declare such results by resolution.
- (c) At such time as the Pinellas County Canvassing Board has canvassed the returns, disposed of any challenges thereto, and ascertained and certified the results, the city clerk shall prepare a resolution with the election results.
- (d) If an election protest is filed following the canvassing and certification of the election results, it shall be presented to the Pinellas County Canvassing Board and the Pinellas County Canvassing Board will then determine the appropriate action to be taken with relation to the protest.

(Code 1977, § 8-79; Ord. No. 07-23, § 6, 10-18-2007; Ord. No. 08-01, § 1, 2-7-2008; Ord. No. 12-24, § 18, 6-21-2012)

Cross reference(s)—Boards, committees, commissions, § 2-61 et seq.

Sec. 26-162. Recounts.

- (a) In its discretion, the canvassing board, may order a recount of the returns of any election prior to the final certification of results.

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- (b) If the returns for any office reflect that a candidate was defeated or eliminated by one-half of a percent or less of the votes cast for such office, that a commissioner subject to recall was retained or not retained by one-half of a percent or less of the votes cast on the question of recall, or that an issue appearing on the ballot was approved or rejected by one-half of a percent or less of the votes cast on such measure, the canvassing board shall order a recount of the votes cast with respect to such office or issue. A recount need not be ordered with respect to the returns for any office, however, if the candidate or candidates defeated, recalled, or eliminated from contention for such office by one-half of a percent or less of the votes cast for such office request in writing that a recount not be made. The canvassing board shall examine the counters on the machines or the tabulation of the ballots cast in each precinct in which the office or issue appeared on the ballot and determine whether the returns correctly reflect the votes cast. If there is a discrepancy between the returns and the counters of the machines or the tabulation of the ballots cast, the counters of such machines or the tabulation of the ballots cast shall be presumed correct and such votes shall be canvassed accordingly.
- (c) Upon request of any candidate for good cause shown, the canvassing board may, prior to the final certification of results, order a recount, in whole or in part, of the election in which that candidate participated. Upon request of any elector for good cause shown, the canvassing board may, prior to final certification of result, order a recount of any issue election.

(Code 1977, § 8-80)

Sec. 26-163. Protest.

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, if filed with the canvassing board.

(Code 1977, § 8-81)

Sec. 26-164. Contest.

- (a) An unsuccessful candidate may contest the results of the election in which the candidate participated as provided in F.S. § 102.168.
- (b) A taxpayer of the city may contest the results of any question or issue submitted to a vote of the electors as provided in state statutes.
- (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 office, 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.

(Code 1977, § 8-82)

Secs. 26-165—26-200. Reserved.

ARTICLE VI. UNFAIR CAMPAIGN PRACTICES

Sec. 26-201. 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 so 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 voters' choice. Likewise, issue 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.

(Code 1977, § 8-93)

Sec. 26-202. Unfair campaign practice.

It shall be an unfair campaign practice for a candidate to elective city office, or an agent or authorized representative of the candidate 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;
- (3) Solicit or accept contributions, or open assistance or support, from any partisan political club or association affiliated with any political party, or from any political party;
- (4) Participate in any partisan political party function; provided, however, that such candidate, or agent of a candidate, may register and vote as a member of a political party and may attend and speak at a political party function or event, provided that all candidates for city office have been invited and permitted to participate in the same manner and to the same extent; or
- (5) Any person committing an act prohibited by this section shall be guilty of an unfair campaign practice and a municipal ordinance violation punishable as provided in section 1-15 of this Code.

(Code 1977, § 8-94)

Sec. 26-203. Prohibited acts and practice.

Those acts and practices prohibited in F.S. ch. 104 shall be prohibited in all elections conducted pursuant to this chapter, and shall be punishable as provided in F.S. ch. 104.

(Code 1977, § 8-95)

Sec. 26-204. Reserved.

Editor's note(s)—Ord. No. 18-25, § 1, adopted September 20, 2018, repealed § 26-204. Former § 26-204 pertained to signs and derived from § 8-96 of the Code of 1977 and Ord. No. 12-24, adopted June 21, 2012.

Secs. 26-205—26-240. Reserved.

ARTICLE VII. CAMPAIGN FINANCES

Sec. 26-241. Application of state law.

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. 106.

(Code 1977, § 8-108(a))