

AN ORDINANCE AMENDING CHAPTER 21 (ELECTIONS) OF THE CODE OF THE CITY OF ORLANDO, FLORIDA BY AMENDING SECTION 21.02 "TIME OF HOLDING" TO THE FIRST TUESDAY AFTER THE FIRST MONDAY IN NOVEMBER OF EACH ODD-NUMBERED YEAR; TO PROVIDE FOR SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, although the Florida Presidential Preference Primary ("PPP") traditionally had been held in March, for the Presidential election years 2008 and 2012, the Florida legislature set the dates for the Presidential Preference Primary election on January 19, 2008 and January 29, 2012, respectively.

WHEREAS, in response to the legislature changing the PPP dates, the City of Orlando changed its City Code provisions to create a permanent City general election date of the first Tuesday after the first Monday in April so that it would have a permanent date for its elections that was not impacted by the decisions of the state legislature.

WHEREAS, the Florida Legislature has moved Florida's 2016 Presidential Preference Primary to March 15, 2016.

WHEREAS, the Orange County Supervisor of Elections has expressed concerns about the City of Orlando and the 2016 PPP being held so close together due to an overlap in the absentee ballot period for the two elections, electors potentially voting in different precincts for the two races and general voter confusion which could result from the proximity of the two elections.

WHEREAS, in response to the Florida legislature's decision and to address the Supervisor of Election's issues, the City of Orlando is considering companion ordinances to this

1 ordinance amending the City Charter and Code to coordinate with a new General Election
2 of the first Tuesday after the first Monday in November of the odd-numbered years.

3 NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF
4 ORLANDO, FLORIDA:

5 SECTION ONE: Section 21.02, is hereby amended to read as follows:

6 **Sec. 21.02. Time of Holding.**

7
8 Municipal elections shall be held on the first Tuesday after the first
9 Monday in ~~April~~November of each ~~even~~odd numbered year.

10
11 SECTION TWO: If any section, subsection, sentence, clause, phrase, or portion of this
12 ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction,
13 such portion shall be deemed a separate, distinct, and independent provision and such holding
14 shall not affect the validity of the remaining portion hereof.

15 SECTION THREE: This ordinance shall take effect at 12:01 a.m. on the day following the
16 second reading and adoption.

17 ADVERTISED: _____, 2015.

18 READ FIRST TIME: _____, 2015.

19 READ SECOND TIME AND ADOPTED: _____, 2015.

20
21 ATTEST:

22 _____
Alana C. Brenner, City Clerk

Mayor/Pro Tem _____

23 Approved as to form and legality for the use and
24 reliance of the City of Orlando, Florida, only.
_____, 2015.

25 _____
Chief Assistant City Attorney
Orlando, Florida