

AN ORDINANCE AMENDING CHAPTER 2 (ADMINISTRATION) OF THE CHARTER OF THE CITY OF ORLANDO, FLORIDA BY AMENDING SECTION 1-1 "REQUIREMENTS FOR QUALIFICATION AS CANDIDATE FOR OFFICE OF MAYOR-COMMISSIONER OR CITY COMMISSIONER" TO ALLOW CANDIDATES IN THE 2015 ELECTION TO QUALIFY IF THEY HAVE BEEN RESIDENTS PRIOR TO FEBRUARY 5, 2015; 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 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.

1 WHEREAS, in response to the Florida legislature's decision and to address the Supervisor
2 of Election's issues, the City of Orlando is considering a companion ordinance to this
3 ordinance amending the City Code to move the City's General Election date to the first
4 Tuesday after the first Monday in November of the odd-numbered years;

5 WHEREAS, section 1-1 of Chapter 2 of the City Charter requires that candidates reside in
6 and be electors of the City and, for district commissioner candidates, in the district, for one
7 year prior to qualifying;

8 WHEREAS, but for the change in general election dates, the end of the qualifying period
9 would have been February 5, 2016, but due to the change, the end of the qualifying period
10 will move forward to September 4, 2015;

11 WHEREAS, in fairness to prospective candidates who were relying on the previous election
12 schedule, this ordinance provides for a one-time adjustment to the one year requirement.
13

14 BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ORLANDO, FLORIDA:

15 SECTION ONE: Section 1.1 is hereby amended to read as follows:

16 **Sec. 1-1. Requirements for Qualification as Candidate for**
17 **Office of Mayor-Commissioner or City Commissioner.**
18

19 (a) Each candidate for the Office of Mayor-Commissioner or
20 District Commissioner of the City of Orlando shall have been, at the
21 time of qualifying as a candidate for such office, both a bona fide
22 resident of the City of Orlando and a registered elector of the City of
23 Orlando for at least one year prior to the date of qualifying to run for
24 City office.

25 (b) Each candidate for a City of Orlando district Commissioner
seat shall have been, at the time of qualifying, both a bona fide

1 resident and registered elector of that district of the City of Orlando for
2 at least one year prior to qualifying. Provided, however, in the election
3 following the decennial redistricting required by section 4-1(b) of this
4 Chapter, district commissioner candidates shall only have to meet the
5 requirements of subsection (a) above.

6 (c) For qualifying purposes, residents of areas that are
7 annexed into the corporate limits of the City of Orlando within one
8 year prior to the election qualifying period shall be considered
9 residents of the district to which their area has been annexed and
10 shall be eligible to be a candidate for Mayor-Commissioner or City
11 district commissioner if they have been a bona fide resident and
12 registered elector of either the City or the annexed area for one year
13 prior to the date of qualifying.

14 (d) At the time of qualifying, candidates shall be required to
15 submit proof satisfactory to the City Clerk that they have met the
16 requirements of this section. If satisfactory proof is not submitted prior
17 to the end of the qualifying period, the City Clerk shall not qualify that
18 person for the office sought and their name shall not appear on the
19 ballot. Satisfactory proof of having met the residency requirements of
20 this section shall include submission all of the following applicable
21 items for the one-year period prior to qualifying: homestead
22 exemption documentation, residential property lease, utility bills which
23 reflect usage of utilities at a level indicating actual residence, and
24 Florida driver's license registration. Candidates may also submit to
25 the City Clerk any other documentation that shows their intention to

1 be a bona fide resident at their qualifying address. Candidates must
2 also submit documentation that they have been a registered elector
3 as required by this section for the one-year period prior to qualifying.
4 As a condition of qualifying, all candidates must sign a release
5 authorizing the City Clerk to verify the information that they have
6 submitted.

7 (e) Candidates qualifying for the ~~January 29, 2008~~November 3,
8 2015 general election shall not be required to comply with the
9 requirements of (a) and (b) above. Provided however, 2015~~08~~
10 candidates for the office of Mayor-Commissioner shall be required to
11 have been a City resident and a bona fide elector on or before
12 ~~January 18, 2007~~February 5, 2015 and 2015~~08~~ candidates for district
13 commissioner seats must have been a City district resident and a
14 bona fide elector of the district on or before February 5, 2015~~January~~
15 ~~18, 2007~~.

16
17 SECTION TWO: If any section, subsection, sentence, clause, phrase, or portion of this
18 ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction,
19 such portion shall be deemed a separate, distinct, and independent provision and such holding
20 shall not affect the validity of the remaining portion hereof.

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

23 ADVERTISED: _____, 2015.

24 READ FIRST TIME: _____, 2015.

25 READ SECOND TIME AND ADOPTED: _____, 2015.

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Mayor/Pro Tem _____

ATTEST:

Alana C. Brenner, City Clerk

APPROVED AS TO FORM AND LEGALITY
for the use and reliance of the
City of Orlando, Florida, only.
_____, 2015.

Chief Assistant City Attorney
Orlando, Florida