

ORDINANCE NO. 201⁵ - 04

AN ORDINANCE OF THE CITY OF VERO BEACH, FLORIDA, AMENDING SECTION 30-3 OF THE CODE OF THE CITY OF VERO BEACH, RELATING TO ELIGIBILITY AND QUALIFYING FOR ELECTION TO THE OFFICE OF COUNCILMEMBER; PROVIDING FOR CONFLICT AND SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, section 30-3 of the Code of the City of Vero Beach provides adopted procedures for eligibility and qualifying for election to the office of City Councilmember; and

WHEREAS, the City Council finds it necessary and desirable to amend said section 30-3 in order to comport such rules with changes in general law and otherwise improve clarity and consistency; and

WHEREAS, the City Council finds that adoption of this Ordinance serves a municipal purpose by updating and clarifying the City election qualifying process,

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF VERO BEACH, THAT:

SECTION 1 – ADOPTION OF “WHEREAS” CLAUSES.

The foregoing “Whereas” clauses are hereby adopted and incorporated herein as forming the legislative findings, purpose, and intent of this Ordinance.

SECTION 2 – AMENDMENT OF SECTION 30-3.

The Code of the City of Vero Beach, Chapter 30, Elections, section 30-3, Eligibility and qualifying for office of councilmember, is hereby amended to read as follows:

[CODING: Words stricken are deletions; words underlined are additions].

Sec. 30-3. Eligibility and qualifying for office of councilmember.

(a) *Timely filing.* Each person seeking to qualify as a candidate for election to the office of city councilmember shall file his or her qualifying papers with, and pay the qualifying fee to,

the city clerk during the qualifying period. It shall be the responsibility of the person seeking to qualify to ensure that the city clerk timely receives all items as required by subsection (b) of this section by the close of the qualifying period. If all required and completed items are not received by the city clerk by the close of the qualifying period the person shall not be qualified as a candidate.

(b) *Persons eligible to qualify for office of councilmember.* A person is eligible to be a member of the city council and may qualify as a candidate for election to the office of city councilmember only if that person:

- (1) Is at least 18 years old by the end of the qualifying period;
- (2) Is a qualified and registered elector of the city as set forth in article IV of the Charter of the city;
- (3) Is a permanent and legal resident of the city;
- (4) Was continuously a permanent and legal resident of the city during the one (1) year immediately preceding the last day of the qualifying period as set forth in article II of the Charter of the city;
- (5) If elected, continuously maintains his or her status as a qualified elector and a permanent and legal resident of the city for the duration of his or her term of office as set forth in article II of the Charter of the city;
- (6) Pays the qualifying fee to the city clerk as set forth in section 30-5 by a properly executed check drawn upon the candidate's campaign account or, in lieu thereof, as applicable, files a written certification as provided in section 30-5(b);
- (7) Files the following qualifying papers with the city clerk before the end of the qualifying period:
 - ~~a.~~ The "Loyalty Oath" required by F.S. § 876.05, completed and signed by the candidate and duly acknowledged;
 - ~~b.~~ a. The "Oath of Candidate" required by F.S. § 99.021, which must contain the name of the candidate as it is to appear on the ballot; the office sought; and the signature of the candidate, duly acknowledged;
 - ~~e.~~ b. The "Appointment of Campaign Treasurer and Designation of Campaign Depository for Candidates" required by F.S. § 106.021, completed and signed by the candidate and the campaign treasurer;
 - ~~d.~~ c. The statement of financial interests required by F.S. § 112.3145;

e. d. Proof of legal residency and status as a qualified and registered elector of the city shall be in the form of a current Florida Voter Registration Card and at least one additional item such as:

1. Florida Driver's License or Identification card;
2. Deed;
3. Residential rental/lease agreement;
4. Proof of homestead;
5. Florida vehicle registration or title;
6. Utility bills from the last two months;
7. Selective Service card; or
8. Other similar evidence as may be reasonably required by the City Clerk.

f. e. The notice of candidacy and affidavit of candidate in substantially the following form, ~~subscribed under oath or affirmation by the candidate before the city clerk~~ which document shall be verified by the candidate by signing the following written declaration: "Under penalties of perjury, I declare that I have read the foregoing Notice of Candidacy and Affidavit of Candidate and that the facts stated in it are true."

**NOTICE OF CANDIDACY
AND AFFIDAVIT OF CANDIDATE**

STATE OF FLORIDA
COUNTY OF INDIAN RIVER _____

I, _____ (name of candidate) _____, ~~being first duly sworn,~~
depose and state:

1. My name is _____.
2. I am offering myself as a candidate for election to the office of councilmember of the City of Vero Beach, Florida.
3. I am or will be at least 18 years old by the end of the qualifying period.
4. I have resided in the City of Vero Beach continuously for the one (1) year immediately preceding the last day of the qualifying period and I am a qualified and registered elector of the City of Vero Beach, Florida, presently registered to vote in precinct number _____.
5. I presently reside at the following address (must include zip code):
_____.

which is my permanent, legal address, and I have resided continually continuously at said address ~~from~~ since the ___ day of _____ to the ___ day of _____.

6. Immediately prior to residing at the above-stated address, I have resided at the below listed addresses for the specified periods of time: (If your residence at the address listed in number 5 above has been for less than one (1) full year, List list below all other addresses at which you have resided for the past one (1) year and specify the time period at each address, including starting and ending dates).

Prior Addresses

For the Period

7. At the present time, I am not registered to vote in any city, county, or state other than as specified in paragraph 4, above.
8. I acknowledge that, if elected, I must continuously maintain my permanent legal residence within the City of Vero Beach and my status as a registered and qualified elector of the City for the duration of my term of office and if I fail to do so I will forfeit my office as city councilmember.

VERIFICATION

Under penalties of perjury, I declare that I have read the foregoing Notice of Candidacy and Affidavit of Candidate and that the facts stated in it are true.

DATED this _____ day of _____, 2____, _____ at Vero Beach, Florida.

Print candidate name

Candidate signature

~~BEFORE ME, the undersigned authority, personally appeared _____, who, after being duly sworn, deposes and states that he/she executed the foregoing Notice of Candidacy and Affidavit of Candidate and that the facts stated therein are true and correct. —~~

Sworn to and subscribed before me this _____ day of _____
_____ 2 _____ by _____, who is personally
known to me OR produced _____ as identification.

CITY CLERK / NOTARY PUBLIC

Print Name:

My Commission Expires:

(c) Early acceptance of candidate papers. Notwithstanding the prescribed qualifying period and the other provisions of this chapter, the city clerk is authorized to:

1. Accept and hold qualifying papers submitted not earlier than 14 days prior to the beginning of the qualifying period, to be subsequently filed and processed by the city clerk during the qualifying period; and
2. Accept for filing candidate papers related to campaign financing and reporting as provided by Chapter 106, Florida Statutes.

SECTION 3 – CONFLICT AND SEVERABILITY.

In the event any provision of this Ordinance conflicts with any other provision of the Code or any other ordinance or resolution of the City, the provisions of this Ordinance shall apply and govern on the subject matter of this Ordinance. If any provision, phrase, or portion of this Ordinance or application thereof to any person or circumstance is held to be invalid, unconstitutional, or unenforceable for any reason by a court of competent jurisdiction, such invalidity shall not affect the validity of the remaining portions of this Ordinance, which shall be deemed separate, distinct, and independent provisions enforceable to the fullest extent possible.

SECTION 4 – CODIFICATION.

The City Clerk shall cause the amendments provided for in this Ordinance to be codified in the Code of the City of Vero Beach, Florida.

SECTION 5 – EFFECTIVE DATE.

This Ordinance shall become effective immediately upon adoption by the City Council.

This Ordinance was read for the first time on the 6th day of January 2015 and was advertised on the 10th day of January 2015, for a public hearing to be held on the 20th day of January 2015, at the conclusion of which hearing it was moved for adoption by Councilmember Gnarwo, seconded by Councilmember Kramer, and adopted by the following vote of the City Council:

Mayor Richard G. Winger	<u>yes</u>
Vice Mayor Jay Kramer	<u>yes</u>
Councilmember Pilar E. Turner	<u>yes</u>
Councilmember Amelia Graves	<u>yes</u>
Councilmember Randolph B. Old	<u>yes</u>

ATTEST:

CITY OF VERO BEACH, FLORIDA

Tammy K. Vock
Tammy K. Vock
City Clerk

Richard G. Winger
Richard G. Winger
Mayor

[SEAL]

Approved as to form and legal sufficiency:

Approved as conforming to municipal policy:

Wayne R. Coment
Wayne R. Coment
City Attorney

James R. O'Connor
James R. O'Connor
City Manager

Approved as to technical requirements:

Tammy K. Vock
Tammy K. Vock
City Clerk