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3 A ORDINANCE OF THE CITY OF VERO BEACH,  
4 FLORIDA, AMENDING CHAPTER 30, SECTION 30-2, OF  
5 THE CODE OF THE CITY OF VERO BEACH, FLORIDA,  
6 RELATED TO AMEND THE DEFINITION OF  
7 QUALIFYING PERIOD; AMENDING SECTION 30-3 TO  
8 PROVIDE FOR CITY CLERK TO INFORM CANDIDATES  
9 OF MISSING OR INCOMPLETE FILINGS, REQUIRING  
10 CHECK TO BE SIGNED BY TREASURER OR DEPUTY  
11 TREASURER AND STATING ACCEPTANCE OF CHECK  
12 DOES NOT PREVENT FINDING A PERSON DID NOT  
13 QUALIFY LATER, AND AMENDING WHAT FORMS THE  
14 CLERK MAY AND MAY NOT ACCEPT PRIOR TO THE  
15 QUALIFYING PERIOD; SECTION 30-6 REMOVING THE  
16 CANVASSING BOARD FROM THE QUALIFICATION  
17 DECISION MAKING PROCESS, CLARIFYING CHAPTER  
18 106, FLORIDA STATUTES, APPLICATION TO  
19 QUALIFICATION, AND DIRECTING INDIVIDUALS WITH  
20 STANDING TO PURSUE LITIGATION TO CHALLENGE  
21 QUALIFICATION; PROVIDING FOR CONFLICT AND  
22 SEVERABILITY; PROVIDING FOR CODIFICATION; AND  
23 PROVIDING FOR AN EFFECTIVE DATE.  
24

25 Whereas, Chapter 30 of the Code of the City of Vero Beach provides for qualification of  
26 candidates for election to the office of city council member; and

27 Whereas, clarification of the city clerk's responsibilities as supervisor of election and  
28 candidates' responsibilities for qualifying papers is warranted; and

29 Whereas, the City Council finds that adopt of this ordinance will serve to promote and  
30 protect the public interest and elector confidence in the city election process and protect the  
31 integrity of city elections and thereby further the health, safety, and general welfare of the  
32 citizens of the City of Vero Beach,

33 Now therefore, be it ordained by the city council of the city of Vero Beach, that  
34 **Section 1 – Amendment of Chapter 30, Section 30-2 is amended as follows:**

35 Chapter 30, Section 30-2, of the Code of the City of Vero Beach, is hereby amended as  
36 follows:

37 Section 30-2. - Definitions.

38 As used in this chapter:

39 *Resident, residence, and residency* mean and refer to the establishment of a person's domicile  
40 within the city limits of the City of Vero Beach that constitutes an actual and bona fide legal abode  
41 as recognized by the person claiming residency, coupled with that person's intent to reside in and  
42 maintain the abode as his or her permanent, predominant, and principal home.

43 *Qualifying period* means the period of time commencing on the 75<sup>th</sup> day, and ending at 5:00  
44 12:00 p.m. (noon) on the 60th day, before the election for which the person seeks to qualify as a  
45 candidate for election to the office of city councilmember. If the 60th day falls on a day that is a

- 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;
- 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;
- c. The statement of financial interests required by F.S. § 112.3145;
- 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.
- e. The notice of candidacy and affidavit of candidate in substantially the following form, 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 \_\_\_\_\_

I, (name of candidate), 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 \_\_\_\_\_.

1 **Section 3 – Amendment of Chapter 30, Section 30-6:**

2 Chapter 30, Section 30-6, of the Code of the City of Vero Beach, is hereby amended as  
3 follows:

4 Section 30-6. ~~Finding P~~ persons found ineligible to qualify as a candidate.

5 (a) The city clerk performs a ministerial function in reviewing qualifying papers. In  
6 determining whether a candidate is qualified, the city clerk shall review the qualifying papers to  
7 determine if: ~~whether A person shall not be qualified as a candidate for election if the city clerk,~~  
8 ~~with the approval of the city canvassing board, finds that:~~

- 9 (1) The qualifying papers of a candidate show, on their face, that such person is not eligible  
10 to be a member of the city council or to otherwise qualify as a candidate for election to  
11 the office of councilmember, any oath or affirmation taken or subscribed to by such  
12 person notwithstanding;
- 13 (2) The qualifying papers of a candidate, on their face, are not in compliance with the  
14 applicable elections laws of the State of Florida and in compliance with the applicable  
15 City Charter or laws or ordinances;
- 16 (3) The qualifying papers of any candidate, on their face, are incomplete or defective, and  
17 are incomplete or defective at the end of the qualifying period;
- 18 (4) The city clerk has received written notification from the Indian River County Supervisor  
19 of Elections that a candidate is not a qualified and registered elector of the City of Vero  
20 Beach; or
- 21 (5) The qualifying fee has not been paid in accordance with law or in lieu thereof a  
22 completed affidavit of undue burden has not been filed.

23 (b) Except as otherwise expressly stated in state statute, the failure of a candidate to comply  
24 with the requirements of chapter 106, Florida Statutes has no effect upon whether the candidate  
25 has qualified.

26 (c) If after the close of qualifying and after the candidate names have been submitted to the  
27 Indian River County Supervisor of Election for inclusion on the ballot, an individual with standing  
28 believes a candidate is not qualified, the individual may file suit against the candidate regarding  
29 the candidate's qualification.

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31 **Section 4. Conflict and severability.**

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33 In the event any provision of this Ordinance conflicts with any other provision of the Code  
34 or other City ordinance or resolution, the provisions of this Ordinance shall apply and supersede  
35 on the subject matter of this Ordinance. If any phrase or portion of this Ordinance or application  
36 thereof to any person or circumstance is held invalid or unconstitutional by any court of competent  
37 jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such  
38 holding shall not affect the validity of the remaining portion.

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40 **Section 5. Codification.**

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42 The amendments provided for in this Ordinance shall be codified in the Code of the City  
43 of Vero Beach, Florida.