

## ARTICLE V. - NOMINATIONS AND ELECTIONS

### FOOTNOTE(S):

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**State Law reference**— Use of permanent single registration system by municipalities, F.S. § 97.105; resign to run law, F.S. § 99.012; opening and closing of polls, F.S. § 100.011; bond referendums, F.S. § 100.201 et seq.; voting procedures, F.S. ch. 101; election code violations, F.S. ch. 104; campaign financing, F.S. ch. 106. ([Back](#))

#### Section 5.01. - Electors.

Any person who is a resident of the city, who has qualified as an elector of this state, and who registers in the procedural manner prescribed by general law and ordinance of the city, shall be an elector of the city.

**State law reference**— Similar provisions, F.S. §§ 97.041, 166.032.

#### Sec. 5.02. - Nonpartisan elections.

All nominations and elections for the office of city councilman shall be conducted on a nonpartisan basis without regard for or designation of political party affiliation of any nominee on any nomination petition or ballot.

#### Sec. 5.03. - Nominations.

Candidates for the several council seats for which there are vacancies shall file with the designated city official a declaration of intention to seek office within the qualifying period set forth hereinbelow. The candidate shall be nominated for election if, within the qualifying period prescribed below, a written petition is filed with the designated city official in the following manner:

Any elector of the city may be nominated for election by petition signed by electors of the city not less in number than one (1) percent of the number of persons who voted in the city for the office of governor at the last gubernatorial election. The signatures to a nominating petition need not all be affixed to one paper, but to each separate paper of a petition there shall be attached an affidavit executed by its circulator stating the number of signers, the fact that each signature was made in the presence of the circulator and that the circulator believes each signature to be the genuine signature of the person whose name it purports to be. The signature shall be executed in ink or indelible pencil. The printed name of the signer, the signer's voter registration number, date of signing and the signer's current street address of residence shall be indicated next to the signature. The Lee County Supervisor of Elections shall inspect the signatures to determine that each signer is a qualified voter.

The qualifying period for candidates for city council shall begin at noon on the second Monday in January of odd numbered years and end at noon on the Friday immediately following.

(Ord. No. 89-19, § 1, 8-15-1989/11-7-1989; Ord. No. 96-03, § 1, 3-19-1996; Ord. No. 97-14, § 1, 8-5-1997; Ord. No. 08-017, § 2, 10-21-2008)

**State law reference**— Qualifying period for county office, F.S. § 99.061(1); authority to change dates for qualifying and for the election of members of the governing body by ordinance, F.S. § 100.3605(b).

#### Sec. 5.04. - Elections.

- (a) The council shall prescribe the form of the ballot including the method for listing candidates for city council elections and any other city election. An ordinance or Charter amendment to be voted on by the city shall be presented for voting by ballot title. The ballot title of a measure may differ from its legal title and shall be a clear, concise statement describing the substance of the measure without argument or prejudice. Below the ballot title shall appear the following question: "Shall the above-described (ordinance) (amendment) be adopted?" Immediately below such questions shall appear, in the following order, the word "yes" and also the word "no" with a sufficient blank space thereafter for the placing of a symbol to indicate the voter's choice or with a lever opposite "yes" or "no" if voting machines are used.
- (b) Electors may vote for any number of candidates up to the number of council seats to be filled. The candidates receiving the highest number of votes shall be declared elected to such seats.
- (c) The term of office for an elected council member shall begin on the second Tuesday following the council election, and end on the Monday immediately preceding commencement of the following term.

(Ord. No. 82-23, § 19, 9-7-1982/11-16-1982; Ord. No. 87-40, § 3, 11-17-1987/3-8-1988; Ord. No. 89-19, § 1, 8-15-1989/11-7-1989; Ord. No. 91-04, §§ 1, 2, 2-19-1991/3-10-1992)

Sec. 5.05. - Reserved.

**Editor's note—**

Section 19 of Ord. No. 82-23, adopted on Sept. 7, 1982, and approved at referendum of Nov. 16, 1982, provided that former §§ 5.04 and 5.05 be combined to form a new section to be designated as § 5.04. Hence, § 5.05 is reserved for future use.