8. Second Reading and Public Hearing(s)

9:15 a. m. a. **ORDINANCE 08-017 OF THE CITY OF SANIBEL CHANGING THE QUALIFYING PERIOD FOR CANDIDATES OF THE CITY'S GENERAL ELECTION OF MUNICIPAL OFFICERS TO A PERIOD BEGINNING AT NOON ON THE SECOND MONDAY IN JANUARY OF ODD NUMBERED YEARS AND ENDING AT NOON ON THE FRIDAY IMMEDIATELY FOLLOWING; AMENDING THE SANIBEL CODE, PART 1, CHARTER, ARTICLE V, "NOMINATIONS AND ELECTIONS"; PROVIDING FOR CONFLICT AND SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING AN EFFECTIVE DATE**

**CITY OF SANIBEL**

**ORDINANCE NO. 08 – 017**

**AN ORDINANCE OF THE CITY OF SANIBEL CHANGING THE QUALIFYING PERIOD FOR CANDIDATES OF THE CITY'S GENERAL ELECTION OF MUNICIPAL OFFICERS TO A PERIOD BEGINNING AT NOON ON THE SECOND MONDAY IN JANUARY OF ODD NUMBERED YEARS AND ENDING AT NOON ON THE FRIDAY IMMEDIATELY FOLLOWING; AMENDING THE SANIBEL CODE, PART 1, CHARTER, ARTICLE V, "NOMINATIONS AND ELECTIONS"; PROVIDING FOR CONFLICT AND SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the City of Sanibel, Florida is a duly organized municipality under the laws of Florida; and

**WHEREAS**, the conduct of the City of Sanibel's election process is generally governed by the Florida Election Code, Chapters 97 through 106, Florida Statutes; and

**WHEREAS**, the qualifying period for the March 3, 2009 City of Sanibel general election is currently scheduled by Florida Statute to commence at noon on Monday, December 22, 2008 and continue through noon on Friday, December 26, 2008; and

**WHEREAS**, the Sanibel City Hall will be closed for the holiday season on Thursday, December 25, 2008 and Friday, December 26, 2008; and

**WHEREAS**, Section 100.3605, Florida Statutes, provides that a governing body of a municipality may, by ordinance, change the dates for qualifying and for the election of members of the governing body of the municipality; and

**WHEREAS**, in order to provide a reasonable opportunity for candidates to qualify for the March 3, 2009 general election, and all future general elections, the City finds it necessary and in the best interests of the citizens and the City as a whole to change the qualifying period dates as set forth in this Ordinance pursuant Section 100.3605, Florida Statutes;

**NOW, THEREFORE, BE IT ORDAINED** by the City Council of the City of Sanibel, that:

**SECTION 1.** For the March 3, 2009, City of Sanibel general election, and for all City of Sanibel general elections thereafter, 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.

**SECTION 2.** Pursuant to the authority of Section 100.3605, Florida Statutes, this Ordinance shall be deemed to also constitute an amendment to the City of Sanibel Code, and said Code Part 1, Charter, Article V, *"NOMINATIONS AND ELECTIONS"*, Section 5.01, is hereby amended to change the date for the qualifying period for City general elections, with underlining indicating additions and strikethrough indicating deletions, as follows:

**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 ~~be the same as that prescribed by general law for election to county office~~ <u>begin at noon on the second Monday in January of odd numbered years and end at noon on the Friday immediately following</u>.

**SECTION 3. CODIFICATION.**

This ordinance shall be deemed an amendment to the Sanibel City Code, Part 1, Charter, Article V, as set forth herein.

**SECTION 4. SEVERABILITY.**

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

**SECTION 5. EFFECTIVE DATE.**

This Ordinance shall be effective immediately upon adoption.

**DULY PASSED AND ENACTED** by the Council of the City of Sanibel, Florida, this 21st day of October, 2008.

**AUTHENTICATION:**

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|---|---|
| Mick Denham, Mayor | Pamela Smith, City Clerk |

**APPROVED AS TO FORM:** Kenneth B. Cuyler, City Attorney Date 9/30/08

First Reading: October 7, 2008
Publication Date: _____
Second Reading: October 21, 2008

Vote of Council Members:

Denham ____
Ruane ____
Jennings ____
Johnston ____
Pappas ____

Date filed with City Clerk: _____