

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF HOLLYWOOD, FLORIDA, AMENDING ARTICLE III OF THE CITY CHARTER ENTITLED "ELECTIONS," INCLUDING CHANGES TO THE DIVISIONS ENTITLED "CONDUCT OF ELECTIONS" AND "CANDIDATES," ALL SUBJECT TO APPROVAL BY THE ELECTORATE AT A REFERENDUM TO BE HELD ON NOVEMBER 6, 2018.

WHEREAS, Florida Statutes Section 166.031(1) provides, in part, that "[t]he governing body of a municipality may, by ordinance, ..., submit to the electors of said municipality a proposed amendment to its charter, which amendment may be to any part or to all of said charter except that part describing the boundaries of such municipality"; and

WHEREAS, Article XI of the Charter of the City of Hollywood creates a charter review committee to be appointed every six years and to submit proposed Charter amendments to the City Commission; and

WHEREAS, Article XI of the Charter requires the City Commission to place the charter review committee's proposals on the ballot; and

WHEREAS, the Charter Review Committee has proposed amendments to Article III of the Charter regarding elections.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF HOLLYWOOD, FLORIDA:

Section 1: That Article III of the City of Hollywood Charter is hereby amended to read as follows:

ARTICLE III. ELECTIONS

DIVISION 1. CONDUCT OF ELECTIONS

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Sec. 3.02. Vacancy in commission membership.

(a) If any vacancy shall occur in the office of mayor, except a vacancy caused by resignation after a recall petition has been filed, and one hundred eighty (180) days

(Coding: Words underscored are additions to existing law; words ~~struck through~~ are deletions from existing law.)

or less of the term of the former mayor shall remain at the time the vacancy occurs, it shall be filled within ten (10) days after the first regular commission meeting following the occurrence of such vacancy, by a majority vote of the remaining commissioners, by an eligible person to serve the remainder of the unexpired term of such mayor until the next municipal election. If any vacancy shall occur in the office of city commissioner, except a vacancy caused by resignation after a recall petition has been filed, and one hundred eighty (180) days ~~(1) year~~ or less of the term of the former city commissioner shall remain at the time the vacancy occurs, it shall be filled within ten (10) days after the first regular commission meeting following the occurrence of such vacancy, by a majority vote of the remaining commissioners, by an eligible person to serve the remainder of the unexpired term of such commissioner until the next municipal election.

* * *

(c) If any vacancy shall occur in the office of mayor, except a vacancy caused by resignation after a recall petition has been filed, and more than one hundred eighty (180) days of the term of the former mayor shall remain at the time the vacancy occurs, a special election shall be called within not less than ninety (90) or more than one hundred twenty (120) days to fill such vacancy, or at the next general or municipal election if one is to be held within that period. If any vacancy shall occur in the office of city commissioner, except a vacancy caused by resignation after a recall petition has been filed, and more than one hundred eighty (180) days ~~(1) year~~ of the term of the former city commissioner shall remain at the time the vacancy occurs, a special election shall be called within not less than ninety (90) or more than one hundred twenty (120) days to fill such vacancy, or at the next general or municipal election if one is to be held within that period.

Sec. 3.03. Qualifications of members.

(a) Each candidate for nomination and election as a member of the city commission, including the mayor, shall have been a duly qualified elector of the city for a minimum of six (6) months prior to the time of qualifying for such office and be otherwise qualified as provided in this Charter and shall remain domiciled in the city for the term of the office for which he/she ~~he~~ was elected. In addition, except as provided in the district transition plan to be adopted by ordinance, each candidate for commissioner must have been domiciled within the district from which he/she seeks election for a minimum of six (6) months prior to the time of qualifying. Each commissioner shall remain domiciled in such district throughout his/her term of office.

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DIVISION 2. CANDIDATES

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3.12. Campaign finance reform.

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(d) *Reports: certification and filing.*

(1) Each campaign treasurer designated by a candidate pursuant to State law shall file regular reports, as provided by law, ~~with the city clerk~~ of all contributions received, and all expenditures made, by or on behalf of such candidate or political committee. ~~Reports shall be filed on the tenth (10th) day following the end of each calendar quarter from the time the campaign treasurer is appointed, except that, if the tenth (10th) day following the end of a calendar quarter occurs on a Saturday, Sunday, or legal holiday, the report shall be filed on the next following day which is not a Saturday, Sunday, or legal holiday. Quarterly reports shall include all contributions received and expenditures made during the calendar quarter which have not otherwise been reported pursuant to this section.~~

(2) When engaged in express advocacy, or the functional equivalent of express advocacy, as defined in this section, relating to any campaign for election to the office of mayor or city commissioner of the city or any campaign for approval or disapproval of an issue to appear on the ballot in which only city electors are eligible to vote, an EAO shall file, as provided by law, ~~with the city clerk~~ regular reports of all contributions received, and all expenditures made, in furtherance of such express advocacy or such functional equivalent of express advocacy. ~~Reports shall be filed on the tenth (10th) day following the end of each calendar quarter from the time the EAO is created, except that, if the tenth (10th) day following the end of a calendar quarter occurs on a Saturday, Sunday, or legal holiday, the report shall be filed on the next following day which is not a Saturday, Sunday, or legal holiday. Quarterly reports shall include all contributions received and expenditures made during the calendar quarter which have not otherwise been reported pursuant to this section.~~

(3) Following the last day of qualifying for office, the reports of all contributions received, and all expenditures made, by (i) a candidate who is seeking election to the office of mayor or city commissioner of the city, ~~or~~ (ii) a political committee, or (iii) an EAO ~~or a committee of continuous existence~~, when engaged in express advocacy or the functional equivalent of express advocacy, as defined in this section, relating to any campaign for election to the office of mayor or city commissioner of the city or any campaign for approval or disapproval of an issue to appear on the ballot in which only city electors are eligible to vote, shall be filed as provided by law ~~with the city clerk on the forty-sixth (46th), thirty-second (32nd), eighteenth (18th), and seventh (7th) days immediately preceding the election, for a candidate, for a political committee, for an EAO, or for a committee of continuous existence. No contributions may be accepted after the seventh (7th) day immediately preceding the election. The acceptance of contributions immediately preceding the election shall be in accordance with applicable law.~~

(4) When an election is called for an issue to appear on the ballot at a time when no candidates are scheduled to appear on that same ballot, all political committees and EAOs, EAO, and committees of continuous existence making contributions or expenditures in support of or in opposition to such issue shall file reports as provided by law with the city clerk on the forty-sixth (46th), thirty-second (32nd), eighteenth (18th) and seventh (7th) days prior to such election. No contributions may be accepted after the seventh (7th) day immediately preceding the election. The acceptance of contributions immediately preceding the election shall be in accordance with applicable law.

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Section 2: That the ballot language for the Charter amendments proposed in Section 1 above shall be as set forth in the attached Exhibit "A".

Section 3: That the Charter amendments set forth in this Ordinance shall be submitted to a vote of the electors of the City of Hollywood at an election to be held on November 6, 2018.

Section 4: That funding for the elections is available in account 01.1103.00000.512.004993 – Elections.

Section 5: Pursuant to the requirements of Florida Statute Section 100.342, notice of the election on the Charter amendments set forth in this Ordinance shall be given at least 30 days in advance of the election and shall be given in a newspaper of general circulation published in Broward County. The notice shall be published at least twice, once in the fifth week and once in the third week prior to the week in which the election is to be held.

Section 6: That if the Charter amendments set forth in this Ordinance are approved by a majority of the electors voting in the election scheduled for November 6, 2018, such amendments shall take effect as of the day immediately following the certification of the results of the election and shall be incorporated into the Charter of the City of Hollywood. They may be renumbered as appropriate to incorporate them into the Charter.

Section 7: That if any word, phrase, clause, subsection or section of this Ordinance is for any reason held unconstitutional or invalid, the invalidity thereof shall not affect the validity of any remaining portions of this Ordinance.

AN ORDINANCE AMENDING VARIOUS SECTIONS OF ARTICLE III OF THE CITY CHARTER ENTITLED "ELECTIONS," SUBJECT TO APPROVAL BY THE ELECTORATE AT A REFERENDUM TO BE HELD ON NOVEMBER 6, 2018.

Section 8: That all sections or parts of sections of the Code of Ordinances, all ordinances or parts of ordinances, and all resolutions or parts of resolutions in conflict herewith are repealed to the extent of such conflict.

Section 9: That this Ordinance shall be in full force and effect immediately upon its passage and adoption.

ADVERTISED on _____, 2018.

PASSED on first reading this _____ day of _____, 2018.

PASSED AND ADOPTED on second reading this _____ day of _____, 2018.

JOSH LEVY, MAYOR

ATTEST:

PATRICIA A. CERNY, MMC
CITY CLERK

APPROVED AS TO FORM AND LEGAL
SUFFICIENCY for the use and reliance
of the City of Hollywood, Florida, only.

DOUGLAS R. GONZALES, CITY ATTORNEY

EXHIBIT A

CHARTER AMENDMENTS – REFERENDUM VARIOUS AMENDMENTS REGARDING ELECTIONS

These amendments would amend Article III of the City Charter entitled "Elections." Specifically, they would conform procedures for filling a vacancy in the office of city commissioner to the procedures for filling a vacancy in the office of mayor and conform the requirements for filing campaign finance reports to the requirements of state law.

QUESTION

Should Article III of the City Charter entitled "Elections" be amended in the various ways described above?

Yes _____

No _____

Fiscal Impact of proposed City Charter Amendments concerning Elections

The amendments to Sections 3.02(a) and 3.02(c) could have a significant fiscal impact by requiring more special elections to fill vacancies in the office of city commissioner. Each such special election would be a district election (as opposed to a citywide election) and would cost approximately \$177,000. While the number of additional special elections is impossible to determine, past history indicates that the number could be in the neighborhood of one every ten years.