

Chapter 8.5 - ELECTIONS^[1]

Footnotes:

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Charter reference— Initiative and referendum, § 125 et seq.; nominations and elections, § 135 et seq.

Sec. 8.5-1. - State election laws adopted.

All general laws of the state relating to elections and to the registration of persons qualified to vote therein, which are not inconsistent or in conflict with the provisions of this Code, are hereby adopted as parts hereof.

(Code 1955, § 9-19)

State Law reference— State election code, F.S. Chs. 97—104.

Sec. 8.5-2. - Registration, qualifications of voters; violations and penalties.

- (a) Notwithstanding the provisions of the Charter to the contrary, registration of all persons qualifying as electors or candidates shall be in accordance with the laws of the state relating thereto, and any person who shall possess the qualifications requisite to an elector at the general state elections and shall be a bona fide resident of the city prior to registration, and who shall have registered according to law, shall be a qualified elector of the city.
- (b) "Bona fide resident" shall mean that a person actually lives in a house, trailer or an apartment within the boundaries of the City of Opa-locka. The city clerk or other city administrator is required to request proof of residency, including, but not limited to, homestead exemption, driver's license, motor vehicle registration, voter's registration card, from anyone who registers to vote in city elections held in the City of Opa-locka. A business address or location shall not be considered as a "bona fide resident" of a proposed candidate or elector.
- (c) Whoever willfully swears or affirms falsely to any oath or affirmation, or willfully procures another person to swear or affirm falsely to an oath or affirmation, in connection with or arising out of voting, registration, or elections is guilty of a felony of the third degree, punishable as provided in sections 775.082, 775.083 and 775.084, Florida Statutes, including, but not limited to a term of imprisonment not exceeding five (5) years and/or five thousand dollars (\$5,000.00) fine.

(Ord. No. 96-06, § 1, 2-28-96)

State Law reference— City required to use county voter registration, F.S. §§ 98.041, 98.091; qualifications of electors, F.S. §§ 98.091(3), 166.032, False swearing F.S. § 104.011.

Sec. 8.5-3. - Resolution calling election required; contents; publication.

- (a) *Required; contents; publication.* The commission shall, not less than thirty (30) days prior to the date of a municipal election, adopt a resolution setting forth:
 - (1) The date upon which such election is to be held;
 - (2) The purpose of such election;
 - (3) The days and hours, prior to the date of such election, during which persons qualified to vote therein may register therefor;
 - (4) The list of polling places in the several precincts;

- (5) The names of those persons designated and assigned to serve as clerks of election and as inspectors of elections, provided the commission shall have the right to omit this requirement from such resolution and to include the names of clerks of election and inspectors of election in a resolution to be adopted later;
 - (6) The form of ballot to be used in such election, except absentee ballots, prepared in compliance with all statutory requirements relating to ballots.
- (b) *Publication.* The commission shall further authorize and direct the city clerk to give notice of the adoption of such resolution and of the provisions thereof hereinbefore prescribed, by and through the publication of an appropriate advertisements in a daily newspaper of general circulation in the city at least fifteen (15) days before the day upon which such municipal election is to be held.

(Code 1955, § 9-16)

Sec. 8.5-4. - Change of polling place.

If any polling place designated in the resolution shall become unavailable for use as such, the city clerk shall designate another polling place within the same precinct for holding such election and shall thereafter report his action to the city commission at its next regular meeting by filing a certificate with the commission setting forth the details of the change and the reason therefor.

(Code 1955, § 9-16)

Sec. 8.5-5. - Appointment of clerks and inspectors of election.

Prior to each municipal election the city commission shall designate a clerk of election for each precinct and also a sufficient number of inspectors of election for each precinct. All persons who shall serve as clerks of election or as inspectors of election at any municipal election held in the city have the status of casual and temporary employees not entitled to the status or to any of the rights or benefits of regular or permanent municipal employees.

(Code 1955, § 9-15)

Sec. 8.5-6. - Delivery of registration records to election clerk.

At each municipal election, general or special, the city clerk shall deliver into the custody of the clerk of election for each election precinct the official registration records for such precinct, and the clerk of election shall be responsible for safeguarding such official registration records while they are in his custody.

(Code 1955, § 9-17)

Sec. 8.5-7. - Request for absentee ballots.

- (a) An absent elector may request from the supervisor of elections or his deputy an absentee ballot during the one-year period preceding an election. The supervisor may accept a request for an absentee ballot for an elector from any person designated by such elector. Such request may be made in person, by mail, or by telephone. One request shall be deemed sufficient to receive an absentee ballot for each election which is held within such one-year period, provided the elector or his designee indicates at the time the request is made the elections for which the elector desires to receive an absentee ballot. All persons claiming to be authorized agents of electors who are requesting absentee ballots shall be given an application only upon said person executing the following statement under oath before the registrar, to-wit:

"I have been authorized by ___ of ___ to request an application for absentee ballot to be voted at the next immediate election to be held in the City of Opa-locka and I am authorized to return that application as executed by the applicant to the registrar. If the application is properly executed and completed, I am authorized to take the applicant his ballot and thereafter return same to the supervisor of elections within the time required by the City of Opa-locka Code of Ordinances.

Authorized Agent

SWORN to and SUBSCRIBED before me this _____ day of _____, 19____

Notary Public, State of Florida at Large

My commission expires:____."

- (b) All marked absentee elector's ballots to be counted must be received by the supervisor by 7:00 p.m. on the day of the election.
- (c) No authorized agent of any elector or elector shall be authorized, nor shall the supervisor of elections or his deputies permit any such authorized agent to obtain more than a total of three (3) applications for absentee ballots.

(Code 1955, § 9-20)

State Law reference— Absentee voting in state elections, F.S. § 101.62 et seq.
Sec. 8.5-8. - Political processions, parades regulated.

No political procession or parade, with or without a sound amplifying system, shall occupy, march or proceed along any street or roadway in the city except between the hours of 8:30 a.m. and 10:00 p.m., and except in accordance with a permit issued by the city manager.

(Code 1955, § 9-21)

Sec. 8.5-9. - Canvassing board, composition and convening.

- (1) A city canvassing board is hereby established and shall be comprised of five (5) qualified electors of the city who are not active participants in the campaign or candidacy of any candidate in the election being canvassed, appointed by the city commission. The appointed electors shall serve a term to run concurrently with the terms of the appointing city commissioners.
- (2) The city canvassing board shall meet in a building accessible to the public in the city and so designated by the supervisor of elections to publicly ratify the canvass of election results certified by the Miami-Dade County Supervisor of Elections. The city canvassing board shall convene at twelve o'clock noon on the day following the election to be canvassed.

(Ord. No. 04-12, § 1, 10-27-04)