

ORDINANCE NO. 18-05

AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, AMENDING SECTION 2-253 OF THE CITY CODE GOVERNING ABSENTEE BALLOTS TO UPDATE RELEVANT STATUTORY CITATIONS AND TO DESIGNATE SUCH BALLOTS AS “VOTE-BY-MAIL BALLOTS,” ALL AS IS CONSISTENT WITH RECENT CHANGES TO THE ELECTION STATUTES; PROVIDING FOR CODIFICATION, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.

WHEREAS, the City has determined that citations to state statute contained within and incorporated into Section 2-253 of the City Code governing vote-by-mail ballots are in need of correction in light of a recent amendment by the Legislature to the relevant election statute; and

WHEREAS, the Legislature has recently amended the election statutes to use the term “vote-by-mail” ballot instead of “absentee” ballot, and the City finds that it is appropriate to similarly amend Section 2-253 of the City Code with respect to such terms; and

WHEREAS, the City finds that this Ordinance is in the interests of the public welfare, health, and safety, and serves a public purpose.

NOW, THEREFORE, BE IT ENACTED BY THE CITY COMMISSION OF THE CITY OF WINTER GARDEN, FLORIDA:

SECTION 1. Recitals. The foregoing recitals are hereby ratified and confirmed as being true and correct and are hereby made a part of this Ordinance and adopted as legislative findings.

SECTION 2. Amendment of City Code. Chapter 2, Article V, Division I, Section 2-253 of the Code of Ordinances, City of Winter Garden, Florida, is hereby amended as follows (words that are stricken out are deletions; words that are underlined are additions):

Sec. 2-253. - ~~Absentee voting and~~Vote-by-mail ballots and voting.

(a) *Generally*. In addition to the provisions set forth in this article, ~~absentee~~ voting by mail in municipal elections shall be permitted and governed by the provisions of the Florida Statutes governing ~~absentee~~ vote-by-mail ballots and such provisions are hereby adopted as a means of providing for ~~absentee~~ voting by mail in any authorized municipal election; provided, that all forms required to be prepared by the city clerk and executed in her/his presence shall be prepared by the city clerk, but may be deposited by her/him with the Supervisor of Elections of Orange County and all functions of the city clerk in connection with the handling of such ~~absentee~~vote-by-mail ballots, including but not limited to the verification of signatures, the handling of applications thereof, the issuance of the ballot and receipt and disposition of ballots, may be handled by the Supervisor of Elections of Orange County; except, that all ~~absentee~~ vote-by-mail

ballots for voting in municipal elections received by the supervisor of elections shall be turned over and delivered to the city canvassing board and such ballots shall be canvassed by the city canvassing board in the manner prescribed by Florida Statute.

(b) *Receipt and return of absentee vote-by-mail ballots.*

(1) Any elector may request ~~an absentee~~ vote-by-mail ballot in the manner prescribed by F.S. § 101.62.

(2) Any elector may designate, by written authorization in the manner prescribed in F.S. § 101.62(4)(b)(4), a person to pick up and/or return the ballot for the elector; however, the person designated may not pick up and/or return more than two ~~absentee~~ vote-by-mail ballots per election other than the designee's own ballot, except that additional ballots may be picked up and/or returned for members of the designee's immediate family. For purposes of this section, "immediate family" means the designee's spouse or the parent, child, grandparent or sibling of the designee or of the designee's spouse. The designee and elector must comply with the provisions of F.S. § 101.62(4)(b)(4). ~~An absentee~~ A vote-by-mail ballot not cast in person: 1) must be mailed to the supervisor of elections or 2) delivered directly to the supervisor of elections by the elector or 3) delivered directly to the supervisor of elections by the elector's designee on election day but in no instance earlier than five days prior to election day. ~~An absentee~~ A vote-by-mail ballot cast in person must be cast as provided for in the Florida Statutes.

(3) Nothing in this section shall be construed to prevent the supervisor of elections from providing supervised voting for absent electors residing in adult congregate living facilities or nursing home facilities as those terms are defined in F.S. ch. 400, provided said supervised voting complies with the provisions of F.S. § 101.655.

(4) The provisions of this article shall not be construed to prohibit any elector from voting in person at the elector's precinct on the day of a city election notwithstanding that the elector has requested ~~an absentee~~ vote-by-mail ballot for that election provided that the provisions of F.S. § 101.69, are followed.

SECTION 3. Codification. This Ordinance shall be incorporated into the Winter Garden City Code. Any section, paragraph number, letter and/or any heading may be changed or modified as necessary to effectuate the foregoing. Grammatical, typographical and similar or like errors may be corrected, and additions, alterations, and omissions not affecting the construction or meaning of this Ordinance or the City Code may be freely made.

SECTION 4. Severability. If any section, subsection, sentence, clause, phrase, word or provision of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, whether for substantive, procedural, or any other reason, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions of this Ordinance.

SECTION 5. Conflicts. In the event of a conflict or conflicts between this Ordinance and any other ordinance or provision of law, this Ordinance controls to the extent of the conflict, as allowable under the law.

SECTION 6. Effective date. This Ordinance shall become effective immediately upon adoption by the City Commission of the City of Winter Garden, Florida.

FIRST READING: January 11, 2018

SECOND READING AND PUBLIC HEARING: January 25, 2018

ADOPTED this 25th day of January, 2018, by the City Commission of the City of Winter Garden, Florida.

CITY COMMISSION
CITY OF WINTER GARDEN

John Rees, Mayor/Commissioner

ATTEST:

Kathy Golden, City Clerk