



ARTICLE III

Elections

This article replaces Chapter 13 in the current Charter and speaks to CITY ELECTIONS only.



INTENT

- ❖ To establish that municipal elections are nonpartisan.
- ❖ To describe the time frames for holding both primary and general elections
- ❖ To define the Canvassing Board and the manner of determining winning candidates
- ❖ To establish when terms begin
- ❖ To describe the Commission Zones
- ❖ To provide for the handling of unlawful activity during elections



Section Descriptions

- Section 3.01 establishes that under the Volusia County Charter, municipal elections within the county are nonpartisan.
- Section 3.02 acknowledges that the city elections of New Smyrna Beach will be conducted in accordance with the general election laws of the State of Florida
- Section 3.03 establishes that our city has staggered terms with two commissioners and the Mayor running in even numbered years coinciding with the general election of Florida as well as the state's primary date
- Section 3.04 is a rewrite of the canvassing board. The local canvassing board is described as being composed of two Commissioners whose names are not on the ballot and the City Clerk. This section also gives approval for the use of the Volusia County Canvassing Board as is current practice.

Section Descriptions

- *Section 3.05 is a significant change from the current Charter.*

Currently Chapter 13, Section 181 of the current Charter provides that if two or more candidates file for either Mayor or a Commission seat and one of the candidates receives more votes in the primary election than the combined votes of all the candidates in that race, she/he is declared the winner without running in the general election.

In 3.05 that provision is eliminated.

- the names of the top two candidates in the primary election are on the general election ballot.
- if only two candidates qualify, no primary is held, and the contest is decided in the general election.
- A tie vote is determined by the drawing of lots.

Section Descriptions

- Section 3.06 corresponds to Section 182 in the current Charter. New language states that terms of office begin the first Tuesday after certification of the general election. This new language was added in the event of delays in ballot recounts.
- Section 3.07 provides detail regarding Commission Zones
 - a) confirms that the city is divided into four zones.
 - b) provides for rezoning following each national census or at the discretion of the City Commission due to population fluctuations. Numbers (1) through (4) seek to keep neighborhoods intact and zone territories contiguous and compact.
 - c) establishes a plan for reapportioning zones and includes public participation in the process
- Section 3.08 addresses “Pernicious Political Activities” (unlawful election activity) and is unchanged from the current Charter as set forth in Section 184 of Chapter 13.



Additions & Deletions

- ▶ 3.01 is a new addition to the Elections section.
- ▶ 3.04 is a revision of language in the current Charter as recent practices in vote counting in municipal elections has been conducted by the Volusia County Canvassing Board.
- ▶ Sections 170-180 in the current Charter were deleted since the issues in those sections are addressed in Florida Statutes.
- ▶ Section 181 in the current Charter was partially deleted. Remaining language was revised for improved clarity and included in Section 3.05 of the revised Charter.
- ▶ Section 3.07 introduces new guidelines in respect to redrawing city “Zones” in response to rapid increases in population in recent years.
- ▶ Section 184.1 of the current charter was deleted as the authority for such amendments is the subject of F.S. 166.031