

## ARTICLE VIII. - ELECTIONS

## Sec. 8.01. - Run-off election—Conflict of election dates; grouping of candidates.

- (a) No person shall be elected to the office of Mayor of the City of Ocala or to the office of city councilman who shall not have received a majority of the qualified votes cast at large at any election for such office. In the case of elections for city council members each candidate shall designate, or in the event of nomination by petition or otherwise the nominating petition or other method of nomination shall designate the district in which the candidate resides and the candidates shall be grouped by districts.
- (b) Regular municipal elections as provided in Section 2.01 of this Charter shall be held on the third Tuesday in September of odd-numbered years. If during any year such election date shall fall upon the date of a state, county or national election, the regular election or any run-off or subsequent election may be called by resolution of the city council at a subsequent date in the same month. If at any regular election no candidate in any district receives a majority of votes cast in the regular election, there shall be a run-off election which shall be held on the third Tuesday in November following the regular election, at which election the two (2) candidates within the district receiving the greatest number of votes at the regular election shall be voted upon and the one receiving the majority of votes cast shall be elected to the office. In the event of a tie vote, a further election shall be held under the same procedure as the first run-off election, the date of which shall be set by the city council, which shall be repeated until one candidate receives a majority of the votes cast.
- (c) If at any regular election no candidate for the office of mayor receives a majority of votes cast in the regular election, there shall be a run-off election which shall be held on the third Tuesday in November following the regular election. In the run-off election the two (2) candidates for the office of mayor receiving the greatest number of votes at the regular election shall be voted upon and the one receiving the majority of votes cast shall be elected to the office. In the event of a tie vote, a further election shall be held under the same procedure as the first run-off election, the date of which shall be set by the city council, which shall be repeated until one candidate receives a majority of the votes cast.
- (d)

In the event of the death, disqualification or withdrawal of either of the two (2) candidates prior to the holding of a second or subsequent election, the candidate who received the third greatest number of votes within the district in the case of council member, or generally in the case of the mayor, shall be substituted for such candidate. In any such event, notice of such substitution shall be posted at each polling place at the entrance thereof, giving a full explanation of the facts.

(Ord. No. 1713, § 2, 11-21-84/11-5-85; Ord. No. 5312, § 3, 8-17-04; Ord. No. 2011-50, § 1, 4-5-11; Ord. No. 2015-26, § 2, 4-21-15)

Sec. 8.02. - Same—Withdrawal of candidates; special election; election officials.

The canvassing board appointed by city council of the city shall canvass the returns of any such subsequent run-off election and the procedure herein provided shall be substantially followed in the event that by reason of a tie vote or any other cause the candidate is not elected by a majority of the qualified votes cast at any such subsequent election for any such office.

The city council is hereby authorized to pass any ordinances which may be necessary or expedient to assist in carrying into effect the provisions of this section. Wherever any duty herein is conferred upon the mayor, and in the event of failure, refusal, absence or inability, for any cause, of the mayor to act, such duty shall be performed by the president of the city council.

Should it develop that only one of the three (3) candidates for any such office who received the highest number of qualified votes therefore at the first election will be a candidate at any subsequent election herein provided, then such subsequent election shall not be held, but a special election shall be held for the purpose of electing such officer, which said special election shall be called, held and conducted in all respects as if a vacancy had occurred in such office, and any qualified person desiring to become a candidate for such office and who shall comply with all valid city ordinances and laws in regard thereto may become a candidate therefore at such special election.

(Ord. No. 5312, § 4, 8-17-04; Ord. No. 2011-50, § 2, 4-5-11; Ord. No. 2015-26, § 3, 4-21-15)

Sec. 8.03. - Taking office.

The mayor shall take his office on the first Tuesday in December of the year following his election. The members of the council elected at the biennial election shall take office on the first Tuesday in December of the year in which they are elected. Upon their installation in office each shall take an oath as prescribed by state law for the installation of state officials.

(Laws of Fla., ch. 74-541, § 2; Ord. No. 1022, § 14, 9-6-77/11-1-77)

**Editor's note**— As the provisions of § 8.03 were amended by Laws of Fla., ch. 74-541 and by Ord. No. 1022, adopted on Sept. 6, 1977, and approved at referendum on Nov. 1, 1977, such provisions cannot be amended by the city without a referendum, subject, however, to the provisions of F.S. § 166.031(5). The Municipal Home Rule Powers Act only affected limitations on power contained in those charters or charter amendments enacted prior to Oct. 1, 1973. See Op. Atty. Gen. 075-223.

#### Sec. 8.04. - Emergency interim successors.

In order to provide for the emergency continuity of government of the City of Ocala through legally constituted leadership, authority and responsibility, to provide for the effective operation of government of the city during an emergency, and to facilitate the early resumption of functions that may be temporarily suspended by the death, resignation, or condition where there shall be no city council serving or quorum of members serving on the city council, the following procedures shall govern:

- (a) All elective and appointive officers of said city shall designate by name and by order of succession emergency interim successors to fulfill the power of office in the event such officer is unavailable. The officer so designating the emergency interim successors shall name not less than three (3) nor more than seven (7) such successors.
- (b) The emergency interim successors shall exercise the powers and discharge the duties of the office to which designated in the event the officer is unavailable until such time as the vacancy may be filled in accordance with the constitution and statutes of the State of Florida and the charter and ordinances of the City of Ocala, or until the officer, or a preceding emergency interim successor, again becomes available to exercise the powers and discharge the duties of his office.
- (c)

At the time of their designation, emergency interim successors shall take such oath as may be required for them to exercise the powers and discharge the duties of the office to which they may succeed; and no person as a prerequisite of the exercise of the powers and duties of an office to which he succeeds shall be required to comply with any other provisions of the law relating to taking office.

- (d) Persons appointed as emergency interim successors shall serve in their designated capacities at the pleasure of the designating authority and may be removed or replaced by said designating party at any time without cause.
- (e) All designations of emergency interim successors shall be filed in duplicate with the clerk of the city and one copy shall be delivered by the clerk to the city manager.
- (f) When due to the emergency resulting from the effects of an enemy attack or the anticipated effects of a threatened enemy attack it becomes imprudent, inexpedient or impossible to conduct the affairs of the city at the City Hall, the city council of said city, as often as the exigencies of the situation require, may by proclamation decree an emergency location or locations for the seat of government at such place or places within or without the city limits of the City of Ocala as deemed advisable under the circumstances, and shall take such action and issue such orders as may be necessary for an orderly transition of the affairs of government of the City of Ocala to such emergency location or locations. Such emergency location or locations shall remain the seat of the government of the City of Ocala until a new seat of government is established by due process of law, or until the emergency is declared to be ended by the Governor of the State of Florida or the seat of government returned to its normal location.
- (g) The term "emergency interim successor" as used herein means a person designated pursuant to the provisions of F.S. §§ 22.01—22.10, in the event the officer is unavailable to exercise the powers and discharge the duties of office until a successor is elected and qualified as set forth in the statutes of the State of Florida and the charter and ordinances of the City of Ocala, or until the lawful incumbent is able to exercise the powers and discharge the duties of the office. The term "office" includes all local officers, the powers

and duties of which are defined by the constitution and statutes of the State of Florida and the charter and ordinances of the City of Ocala as applicable to the City of Ocala.

Sec. 8.05. - Recall—Mayor or councilman.

**Editor's note**— The provisions of § 8.05 were either repealed by the Municipal Home Rule Powers Act (F.S. ch. 166) (see Op. Atty. Gen. 074-25) or converted into an ordinance by such act which has not been readopted. The provisions of § 8.05 are adequately covered by F.S. § 100.361 insofar as they relate to recall of members of the council. As the mayor is not a member of the council (see charter § 2.01), such statute is inapplicable to the mayor. See Op. Atty. Gen. 076-232. At the direction of city officials, provisions for recall of the mayor which track such statute were inserted in the 1985 Code as § 2-23. Section 2-23 was subsequently repealed by Ord. No. 2744, § 2, adopted July 1, 1997.

Sec. 8.06. - Same—Sufficiency of petition.

**Editor's note**— The provisions of § 8.06 were either repealed by the Municipal Home Rule Powers Act (F.S. ch. 166) (see Op. Atty. Gen. 074-25) or converted into an ordinance by such act which has not been readopted. The provisions of § 8.06 are adequately covered by F.S. § 100.361 insofar as they relate to recall of members of the council. As the mayor is not a member of the council (see charter § 2.01), such statute is inapplicable to the mayor. See Op. Atty. Gen. 076-232. At the direction of city officials, provisions for recall of the mayor which track such statute were inserted in the 1985 Code as § 2-23. Section 2-23 was subsequently repealed by Ord. No. 2744, § 2, adopted July 1, 1997.

Sec. 8.07. - Same—Notice; election; ballot.

**Editor's note**— The provisions of § 8.07 were either repealed by the Municipal Home Rule Powers Act (F.S. ch. 166) (see Op. Atty. Gen. 074-25) or converted into an ordinance by such act which has not been readopted. The provisions of § 8.07 are adequately covered by F.S. § 100.361 insofar as they relate to recall of members of the council. As the mayor is not a member of the council (see charter § 2.01), such statute is inapplicable to the mayor. See Op. Atty. Gen. 076-232. At the direction of city officials, provisions for recall of the mayor which track such statute were inserted in the 1985 Code as § 2-23. Section 2-23 was subsequently repealed by Ord. No. 2744, § 2, adopted July 1, 1997.

Sec. 8.08. - Same—Removal; filling of vacancies.

**Editor's note**— The provisions of § 8.08 were either repealed by the Municipal Home Rule Powers Act (F.S. ch. 166) (see Op. Atty. Gen. 074-25) or converted into an ordinance by such act which has not been readopted. The provisions of § 8.08 are adequately covered by F.S. § 100.361 insofar as they relate to recall of members of the council. As the mayor is not a member of the council (see charter § 2.01), such statute is inapplicable to the mayor. See Op. Atty. Gen. 076-232. At the direction of city officials, provisions for recall of the mayor which track such statute were inserted in the 1985 Code as § 2-23. Section 2-23 was subsequently repealed by Ord. No. 2744, § 2, adopted July 1, 1997.

Sec. 8.09. - Preservation of records.

**Editor's note**— The provisions of § 8.09 were either repealed by the Municipal Home Rule Powers Act (F.S. ch. 166) (see Op. Atty. Gen. 074-25) or converted into an ordinance by such act which has not been readopted. The provisions of § 8.09 are adequately covered by F.S. § 100.361 insofar as they relate to recall of members of the council. As the mayor is not a member of the council (see charter § 2.01), such statute is inapplicable to the mayor. See Op. Atty. Gen. 076-232. At the direction of city officials, provisions for recall of the mayor which track such statute were inserted in the 1985 Code as § 2-23. Section 2-23 was subsequently repealed by Ord. No. 2744, § 2, adopted July 1, 1997.

Sec. 8.10. - Offenses relating to petitions.

**Editor's note**— The provisions of § 8.10 were either repealed by the Municipal Home Rule Powers Act (F.S. ch. 166) (see Op. Atty. Gen. 074-25) or converted into an ordinance by such act which has not been readopted. The provisions of § 8.10 are adequately covered by F.S. § 100.361 insofar as they relate to recall of members of the council. As the mayor is not a member of the council (see charter § 2.01), such statute is inapplicable to the mayor. See Op. Atty. Gen. 076-232. At the direction of city officials, provisions for recall of the mayor which track such statute were inserted in the 1985 Code as § 2-23. Section 2-23 was subsequently repealed by Ord. No. 2744, § 2, adopted July 1, 1997.