

**Part VI. Registrations and Elections**  
**ARTICLE 2. ELECTIONS**

**Sec. 1. Regular annual municipal primary election.**

In the event in any year candidates for city commission shall not equal more than double the number of members to be elected in such year, each candidate for whom a nomination petition has been filed shall be placed upon the general election ballot for the general municipal election in such year for the office of city commissioners, and it shall be unnecessary to hold any primary election in such year.

In the event candidates for city commission in any year more than double the number of members of the city commission to be elected in such year, nomination petitions shall be filed for such candidates. Then in such event the city commission shall by resolution call a primary election for the nomination of candidates for the office of city commission. Said primary election shall be held on the second Tuesday of February in said year, and at said primary election the candidates receiving the highest number of votes shall be declared nominated, and shall be placed upon the general election ballot to the extent of double the number of members of the city commission to be elected in said year.

**Editor's note:** This section has been editorially amended to comply with Laws of Florida, Ch. 75-350, as amended by Chs. 76-336, 77-507, 81-349.

**Sec. 2. Regular municipal elections.**

An election shall be held on the Tuesday next succeeding the first Monday in November, 1967, to elect two (2) members of the city commission for terms of three (3) years each. The two (2) commissioners elected in 1967 shall be the successors in office to the two (2) members of the city commission in office as of the effective date of this section whose terms presently expire in 1967. The two (2) members of the city commission elected at the municipal election in November, 1967, shall serve for terms which expire on the Tuesday next succeeding the first Monday of November, 1970. On the Tuesday next succeeding the first Monday of November, 1970, and on the Tuesday next succeeding the first Monday of November every four (4) years thereafter until after 1975 and then on the second Tuesday in March thereafter, two (2) members of the city commission shall be elected for terms of four (4) years each.

An election shall be held on the Tuesday next succeeding the first Monday in November, 1968, to elect three (3) members of the city commission for terms of four (4) years each. The three (3) commissioners elected in 1968 shall be the successors in office to the three (3) members of the city commission in office as of the effective date of this section whose terms presently expire in 1968. The three (3) members of the city commission elected at the municipal election in November, 1968, shall serve for terms which expire on the Tuesday next succeeding the first Monday of November, 1972. On the Tuesday next succeeding the first Monday of November, 1972, and on the Tuesday next succeeding the first Monday of November every four (4) years thereafter until after 1975 and then on the second Tuesday in March thereafter, three (3) members of the city commission shall be elected for terms of four (4) years each.

Notwithstanding any language to the contrary in this section or in other sections of this charter, the term of any commissioner who holds a present office and who is being succeeded by a newly elected commissioner shall extend to, and expire as of, the date on which the newly elected commissioner shall take the prescribed oath of office and assume the duties of his office in accordance with the other provisions of this charter concerning the seating of newly elected commissioners at organizational meetings of the city commission.

Effective as of the 1968 regular municipal election and without limitation on the foregoing, it is one of the purposes and intents of this section to provide generally that the regular municipal elections of city commissioners shall be held biennially, with three (3) of the five (5) city commissioners to be elected for terms of four (4) years each beginning on the Tuesday next succeeding the first Monday in November, 1968, and for their successors in office to be elected and effective in 1975 on the second Tuesday in March every four (4) years thereafter and with two (2) of the remaining five (5) commissioners to be elected for terms of four (4) years each beginning on the Tuesday next succeeding the first Monday in November, 1970, and for their successors in office to be elected and effective in 1975 on the second Tuesday in March every four (4) years thereafter. The provisions of this paragraph shall be subject to the provisions in another section of this charter concerning the methods of filling vacancies in the office of city commissioner and which may allow, in some instances where there has been a vacancy in office, the election of four (4) city commissioners at a municipal election.

(Sp. Acts, Ch. 67-1262, § 4)

**Editor's note:** This section has been editorially amended to comply with Laws of Florida, Ch. 75-350, as amended by Chs. 76-336, 77-507, 81-349.

### **Sec. 3. Special elections for other purposes.**

A special election, for a purpose other than the nomination or election of city commissioners, may be called by resolution at any time by the city commission; provided fifteen (15) days intervene between the date of the adoption of the resolution and the date of the election, unless a different time be otherwise provided in this Act or in the act under authority of which the election is called. Any matter or matters, which by the terms of this charter or Act may be submitted to the electors of the city at any special election, may be submitted and voted upon at any regular municipal primary or election.

### **Sec. 4. Time of opening and closing polls.**

**Editor's note:** This section has been editorially deleted as superceded by F.S. § 100.011.

### **Sec. 5. Calling an election.**

All elections shall be called by resolution of the city commission, and shall be conducted, except as otherwise specifically provided, under the rules of elections prescribed by the general election laws of the state, when not inconsistent with the provisions of this charter. Should the city

commission fail or refuse to call any annual primary or election in due time, the city manager shall do so.

In the event due to hurricane, storm warnings or other disaster it shall be necessary or expedient in the opinion of the city commissioners of the City of Dania [Beach], they may by resolution postpone the date of the holding of any regular or special election of the City of Dania [Beach].

**State law references:** Change of election dates due to disasters F.S. § 2101.75.

#### **Sec. 6. Elections; how arranged for; inspectors and clerk.**

- (a) The city commission shall by resolution determine and provide for the method and manner of calling and holding any and all City elections, except as otherwise provided by law. The City Clerk shall name the inspectors and clerk to serve upon election boards and designate a poll deputy at each election precinct.
- (b) All poll workers shall rotate through the various precincts within the municipality so that no poll worker shall serve or work in the same polling precinct in two consecutive municipal general elections.
- (c) Every precinct shall be staffed by poll workers randomly selected from the general pool of poll workers.
- (d) Alternatively, in lieu of procedures described above as to poll workers, the City Commission may delegate the poll worker selection process to the Broward County Supervisor of Elections.

(Ord. No. 3-98, § 1, 1-13-98; Ord. No. 2004-041, § 1, 12-14-04)

#### **Sec. 7. Canvass of returns; certificates of election.**

**Editor's note:** Editorially deleted this section as canvassing of election returns is by the county canvassing board pursuant to Laws of Fla., Ch. 75-350, § 8.

#### **Sec. 8. Ballots.**

**Editor's note:** This section has been editorially deleted as ballot forms are prepared by the county.

#### **Sec. 9. Nomination of candidates for city commission.**

Any bona fide resident of the City of Dania [Beach] and of the State of Florida, and citizen of the United States of America who is a registered voter of City of Dania [Beach] and possesses the qualifications necessary to vote at city, state and national elections, and who is otherwise qualified to be a member of the city commission, as provided in this Act, may be a candidate for the office of city commissioner by filing a verified notice of candidacy for city commissioner

with the city clerk of said city no earlier than noon on the first work day in January nor later than noon on the fourteenth day following the first work day in January of the calendar year in which the election is to be held in the manner hereinafter set out, and by paying as a qualifying fee the sum of twenty-five dollars (\$25.00) to the city clerk of the City of Dania [Beach] at such time, which money shall be used for the purpose of defraying the election expenses. Such notice shall be in the following form, to wit:

NOTICE OF CANDIDACY FOR CITY COMMISSIONER

I, \_\_\_\_\_, residing at \_\_\_\_\_  
(name of candidate) (resident address of candidate)

Dania, Broward County, Florida, do hereby give notice of my candidacy for the office of city commissioner of City of Dania [Beach], Florida, in the forthcoming primary election to be held in said city on \_\_\_\_\_.  
(date of primary)

I do further state that I am a bona fide citizen of the United States of America, and a resident of [the] City of Dania [Beach]; that I have resided in [the] City of Dania [Beach] for six (6) months immediately preceding the date of the election to be held; that I am over the age of twenty-one (21) years; that I have paid the qualifying fee for said office, and that I have fully satisfied all conditions precedent to such candidacy, pursuant to the provisions of the charter of said city.

\_\_\_\_\_  
(candidate to sign on this line)

State of Florida )  
County of Broward )

Before me, the undersigned authority, this day personally appeared \_\_\_\_\_  
(name of candidate)

who, upon being duly sworn, deposed and said: That he is the candidate referred to in the foregoing notice; that he is familiar with the contents of said notice, and that the facts and matters therein stated are true; and that he did sign said notice for the purpose therein specified.

\_\_\_\_\_  
(candidate)

Sworn to and subscribed before me this the \_\_\_\_\_ day of \_\_\_\_\_ A.D. 20\_\_\_\_\_.

\_\_\_\_\_  
Notary public  
State of Florida  
My commission expires:

Such person so filing said notice as prescribed, and paying the qualifying fee as prescribed, if otherwise found to be qualified, shall be entitled to have his name printed upon the official primary ballot at such primary election.

(Ord. No. 19-98, § 12, 10-27-98)

**Editor's note:** The time for filing notice of candidacy has been editorially amended to conform to Laws of Fla., Ch. 75-350, § 2 as amended by Laws of Fla., Ch. 77-507, § 1.

**Sec. 10. When primary election unnecessary.**

Whenever, for any primary election, the number of candidates qualifying is less than, or not more than, twice the number of positions to be filled, then, and in that event, no primary election shall be held, even though previously called, and when time for qualifying for such primary election has passed, the city clerk shall certify such fact to the city commission, and the city commission shall declare such persons to be nominated for the office of city commissioner, and have their names printed on the ballot for the next regular or special municipal election. However, if candidates in number greater than twice the number of places to be filled have qualified for any primary election, as aforesaid, then it shall be the duty of the city commission to hold such primary election.

(Ord. No. 19-98, § 12, 10-27-98)

**Sec. 11. Conduct of candidates.**

Candidates for nomination or election to the city commission may make personal canvass among the voters, may publish advertisements and other notices concerning his candidacy in any newspaper, brochure, bulletin or other printed matter and shall be permitted to speak upon the issues involved at any public gathering or over any communications media such as radio or television. No candidate shall be permitted to promise any money, office, employment or other thing of value, to secure his nomination or election, and shall not be permitted to give anything of value to individual voters for the purpose of securing their votes. A violation of any of these provisions shall disqualify such candidate from holding the office, if elected, and the person receiving the next highest number of votes, observing the foregoing conditions, shall be entitled to the office.

(Sp. Acts, Ch. 65-1423, § 1)

**State law references:** Corruptly influencing voting, F.S. § 104.061.

**Sec. 12. Nomination and election.**

The names of the candidates for nomination to the office of city commissioner, who shall receive the greatest number of votes in a regular or special primary election, shall be placed upon the ballot at the next regular or special election in a number equal to twice the number of vacancies to be filled in the city commission. At the regular or special municipal election, the candidates who shall receive the greatest number of votes at such regular or special municipal election, equal to the number of places to be filled, shall be declared elected. If a primary election is called to fill only one vacancy, and a candidate in such primary election shall receive a majority of the valid votes cast, such candidate shall be declared elected without the holding of a general election.

**State law references:** Municipal elections in Broward County Laws of Fla. Ch. 75-350 as amended by Chs. 76-336, 77-507 and 81-349.

**Sec. 13. Filling vacancies in the office of city commissioner.**

In the event that a permanent vacancy arises on the city commission at a time which is within six (6) months from the date of a scheduled election in which the city's electors are authorized to participate, the city commission shall appoint a qualified city elector to temporarily fill such vacancy until such election. In such event, the city commission shall make such appointment within thirty (30) days from the date that the vacancy occurs. If, however, the next available election in which the city's electors may participate will not occur until after a period of time exceeding six (6) months from the date that the vacancy occurs, then the city commission, within thirty (30) days from the date that the vacancy occurs, shall take action to call a special election to fill the vacancy for the remainder of the unexpired portion of the term. For purposes of this section, a permanent vacancy generally consists of a vacancy caused by resignation, death, removal from or forfeiture of office. The procedures for filling vacancies shall be further provided for by city ordinance.

(Sp. Acts, Ch. 59-1202, §§ 1, 2; Sp. Acts, Ch. 67-1262, §§ 5--7; Ord. No. 2005-002, § 6c), 1-11-05; Res. No. 2005-065, § 2B(d)(i), 4-26-05)

**Sec. 14. Interim government.**

Should a condition arise where there should be no city commission serving, either through death, resignation or otherwise, in the interim until a special election can be called to fill such vacancies the city manager shall be the official head of the city and shall conduct the business usually transacted by the city commission; but he shall by proclamation call a special election at the earliest possible date. In the event of the inability or refusal of the city manager to serve in such capacity or to issue said proclamation within five (5) days after such condition arises, the city clerk shall do so.

(Ord. No. 19-98, § 12, 10-27-98)

**State law references:** Emergency interim successors for local offices, F.S. § 22.05.

**Sec. 15. General laws to apply.**

All elections shall be conducted, except as otherwise specifically provided under this charter, under the rules and conditions prescribed by the general election laws of the state.

**Sec. 16. Absentee voting.**

**Editor's note:** This section has been editorially deleted as superceded by F.S. § 101.62 et seq.