

CHAPTER 5

ELECTIONS

Article I.

In General

ARTICLE I.

SECTION 5-1. A new Chapter 5 of the Melbourne Village Town Code, hereafter to be known and cited as the "Melbourne Village Election Code", is created to read as follows:

SECTION 5-2. TOWN CLERK, CHIEF ELECTIONS OFFICER. The Town Clerk of the Town of Melbourne Village is hereby designated the chief elections officer of the Town, subject to the overriding authority of the Melbourne Village Town Commission, and shall see that all Town elections are conducted in a proper and legal manner. Subject to the approval of the Town Commission, the clerk may delegate any or all of the responsibilities for administering the election to the Brevard County Supervisor of Elections, all of which is to be determined pursuant to a written agreement between the Town of Melbourne Village and the Supervisor of Elections of Brevard County, Florida.

SECTION 5-3. VOTER REGISTRATION. The Town of Melbourne Village does hereby recognize and adopt the permanent single registration system for the registration of electors established by Section 98.041, Florida Statutes. Individuals residing within the corporate limits of the Town otherwise qualified and registered to vote in accordance with Sections 97.041 - 97.1031, Florida Statutes, are the electors of the Town.

SECTION 5-4. CLOSING OF REGISTRATION. No individual residing within the corporate limits of the Town registering to vote less than 30 days prior to any Town election shall be permitted to vote in that election.

SECTION 5-5. REMOVAL FROM REGISTRATION RECORDS. Any registered elector of the Town may be removed from the registration records pursuant to Section 98.081, Florida Statutes.

MELBOURNE VILLAGE CODE

SECTION 5-6. RESIGN-TO-RUN.

(1) No individual may qualify as a candidate for Town office whose name appears, or will appear, on the same or another ballot for another public office, the term of which, or part thereof, runs concurrently with the term of the Town office.

(2) Any individual qualifying for Town office shall comply with the provisions of Section 99.012(2), Florida Statutes, prior to qualifying, if applicable.

(3) No individual serving on an appointed Town Board or committee without salary shall be required to resign from that position in order to qualify as a candidate for Town office. However, a resignation is required prior to that individual assuming elected Town office. Upon an individual assuming elected Town office, the Mayor pursuant to Section 2.10 of the Town Charter may, in his discretion, with the advice and consent of the Town Commission, appoint or reappoint such individual to any Town Board of Committee without salary.

SECTION 5-7. NON-PARTISAN BASIS; TERMS OF OFFICE.

(1) As required under Section 2.02 of the Town Charter, all qualifications and elections for a Town office shall be conducted on a nonpartisan basis, without regard for, or designation of, political party affiliation of any nominee on any nomination petition or ballot.

(2) As required under Section 2.04 of the Town Charter, Commission members, including the mayor, shall serve for terms of two (2) years or until their successors are elected and qualified, except when elected to fill vacancies with unexpired terms of less than two (2) years. Terms of office shall be staggered so that at least three (3) commission members shall be elected each year. There shall be no restriction on the number of terms for which a member may be re-elected.

SECTION 5-8. CANDIDATE QUALIFICATIONS; OATH; FINANCIAL REQUIREMENTS.

(1) Each individual in order to qualify as a candidate for Town office shall have been a resident of the Town for at least one (1) year prior to the date of qualification for office and shall have the qualifications required under Section 2.02 of the Town Charter and Section 5-3 of this Code.

(2) Each individual in order to qualify as a candidate for Town office shall take and subscribe to an oath or affirmation in writing which shall be as follows: "I do solemnly swear (or affirm) that I will protect and defend the Constitution of the United States and the Constitution of the

CHAPTER 5

State of Florida, and the Charter and Laws of the Town of Melbourne Village, and that I am qualified to register as an elector under the Constitution and laws of the State of Florida."

(3) Each individual in order to qualify as a candidate for Town office shall appoint a campaign treasurer and designate a primary campaign depository as set forth in Section 106.021, Florida Statutes, and shall file said designations with the Town Clerk prior to qualifying. Said candidate shall also file with the Town Clerk campaign financial reports required by Section 106.07, Florida Statutes, and a statement of financial interests required by Section 112.313, Florida Statutes, if applicable, at the times and in the manner set forth in said statutes.

SECTION 5-9. NOMINATIONS; PETITIONS.

(1) Each person seeking to qualify as a candidate for Town mayor or Town Commissioner (unless a write-in candidate prescribed below) shall be nominated.

(a) Each nomination shall be made by filing a petition signed by at least ten duly qualified voters of the Town. The petition shall, upon acceptance by the Town Commission, result in the appearance in alphabetical order of the name of the particular nominee upon the official ballot.

(b) Nominating petitions shall be in substantially the following form:

TOWN OF MELBOURNE VILLAGE NOMINATING PETITION

We, the undersigned electors of the Town of Melbourne Village, Florida, hereby nominate and sponsor _____, whose residence is _____, for the office of _____, to be voted for at the election to be held on the _____ day of _____, 19____, and we individually certify that our names have appeared on the rolls of registered voters within the last year, and that we are qualified to vote.

(Spaces for signatures and required data).

MELBOURNE VILLAGE CODE

Nominee's Acceptance: I hereby accept nomination for the office of
Town _____.

Date _____

Signature of Nominee

Address _____

Petition received for filing at Town Hall on the _____ day
of _____, 19 _____.

By: _____

Town Clerk

Accepted by the Town Commission on the _____ day of
_____, 19 _____.

Mayor.

(c) No nominating petition shall be accepted unless accompanied by an acceptance of nomination signed by the nominee.

(d) Within five days after the filing of a nominating petition, the Town Clerk shall notify the candidate and the person who filed the petition whether or not it is found to be signed by the required number of qualified electors, which is to be determined by the most current roll of electors available to the Town Clerk, providing that said roll of electors must have been furnished by the Brevard County Supervisor of Elections within the twelve months preceding the filing of the nominating petition.

(e) If a petition is found insufficient, the Town Clerk shall return it immediately to the person who filed it with a statement certifying wherein the petition is found insufficient.

(f) Within the regular time for filing petitions, a new petition may be filed for the same candidate.

(2) A person may qualify as a write-in candidate by filing a statement to that effect, under oath, with the Town Clerk who shall certify the name of said candidate to the Brevard County Supervisor of Elections, together with the candidate's oath set forth in Section 8. The candidate's name shall not be printed on the ballot, but provision shall be made for write-in votes to be cast in the next Town election. Only write-in votes cast for a candidate who has

CHAPTER 5

qualified as a write-in candidate per this subsection shall be counted and canvassed as a valid vote.

SECTION 5-10. TIME FOR QUALIFYING. No person may qualify as a candidate in accordance with Section 5-9 prior to the 90th day preceding the next Town election nor later than 5:00 p.m., local time, on the 47th day preceding the election, except write-in candidates may qualify no later than 5:00 p.m., local time, on the 40th day preceding the election.

SECTION 5-11. WITHDRAWAL OF CANDIDATE.

(1) A candidate may withdraw at any time prior to the election by filing with the Town Clerk a written and executed statement, under oath, to that effect. The candidate's name shall then not be printed on the ballot, or, in the event the ballots have been printed, the name shall be removed if, in the opinion of the Clerk, time permits without disrupting the administration of the election.

(2) A vote cast for a candidate who has withdrawn shall not be canvassed or certified as a valid vote.

SECTION 5-12. CANDIDATE'S NAME. The name of a candidate shall be printed on the ballot in the same form as the name appears on the candidate's oath. Shortened versions or nicknames may be used if so indicated. No title or evidence of incumbency shall be printed.

SECTION 5-13. TIME AND MANNER OF ELECTIONS; NO ELECTION REQUIRED UNDER CERTAIN CIRCUMSTANCES.

(1) Regular Town elections for the office of Town commissioner, including the mayor, shall be held on the first Tuesday after the first Monday in November of each year. The elections shall be held at the designated polling place or places and the polls shall be open between the hours of 7:00 a.m. and 7:00 p.m. on election day.

(2) Candidates shall run at large, but election notices and ballots shall indicate the Seat number up for election and the statement that the respective seat is for a two-year term or a one-year term due to vacancy in office.

MELBOURNE VILLAGE CODE

(3) Each seat of the Commission shall be designated as follows: Seat 1 - Commissioner; Seat 2 - Commissioner; Seat 3 - Commissioner; Seat 4 - Mayor; Seat 5 - Commissioner; Seat 6 - Commissioner; and Seat 7 - Commissioner.

(4) Every elector shall be entitled to vote for as many candidates for Commissioner as there are vacancies to be filled on the Commission. Electors shall cast their votes in the manner prescribed in Chapter 101, Florida Statutes.

(5) The candidates receiving the highest number of votes cast for the seats to be filled at each election shall be declared to be the persons elected to fill such vacant Commission offices, provided that the candidates receiving the highest number of votes shall have a choice, in descending order of total votes received, as to whether they shall hold a seat having a 2-year or a 1-year term.

(6) Elected candidates shall take office at the first regular Commission meeting immediately following the election, after taking the oath of office prescribed by Section 4.06 of the Melbourne Village Town Charter.

(7) The Town Commission may decide not to hold an election when only one (1) candidate has qualified for each vacant Town office and the period for qualifying has expired.

SECTION 5-14. RUN-OFF ELECTIONS.

(1) In the event a run-off election becomes necessary because of a tie, the Town Commission shall hold a run-off election within thirty days following the general election.

(2) The provisions herein governing a regular election shall be used whenever possible to govern the holding of a run-off election.

(3) The names of the persons tying for an office shall be placed upon the ballot at a run-off election.

(4) The candidate receiving the highest number of votes in the run-off election shall be deemed the candidate elected and shall be sworn in and take office at the next regular meeting of the Town Commission following the run-off election.

CHAPTER 5

SECTION 5-15. NOTICE OF ELECTION.

(1) The Town Clerk shall, no earlier than ninety (90) days but no later than sixty (60) days prior to any General or Special Election to be held in the Town, make out and cause to be published once each week for two (2) consecutive weeks in some newspaper of general circulation within the Town a notice stating for what purpose the election is to be held and what offices and vacancies, if any, are to be filled at such General Election, and if the election is a Special Election, what issue is to be determined, and the designated polling places.

(2) A sample ballot shall also be published in some newspaper of general circulation within the Town prior to the date of the election, but no earlier than fifteen (15) days prior to said election.

(3) Said notice and sample ballot, during said periods of time, shall also be posted in a conspicuous place at the Town Hall and on the Community Bulletin Board.

SECTION 5-16. SPECIAL ELECTIONS.

(1) The Town Commission may call Special Elections for purposes including but not limited to the purpose of filling of Commission vacancies and the purpose of approving or disapproving an issue, including charter amendment, initiative, referendum, bond authorization, annexation, recall, straw ballot, or other public question voted upon by the electors.

(2) Said Special Elections shall be held at such times as may be determined by resolution of the Town Commission in accord with the Town Charter, this Code, and the laws of the State of Florida. Whenever possible said elections shall be held in conjunction with a regularly scheduled State or Town election.

SECTION 5-17. INITIATIVE AND REFERENDUM.

(1) Ordinances proposed by initiative or proposed to be repealed by referendum shall be proposed and voted upon in the manner provided by Section 4.04 of the Melbourne Village Charter, and this Code.

(2) The Town Clerk shall receive all petitions required by the Town Charter relating to initiative and referendum, and which requires that said petitions be signed by not less than 25% of the total number of qualified electors registered to vote at the last regular Town election.

MELBOURNE VILLAGE CODE

For the purpose of this section, a petition shall be made as of the time of actual receipt at the office of the Town Clerk.

(3) All papers of a petition shall be uniform in size and style and shall be assembled as one instrument for filing. Each signature shall be executed in ink and shall be followed by the printed signature and the address of the person signing. Petitions shall contain or have attached thereto throughout their circulation the full text of the proposed ordinance or ordinance proposed to be repealed.

(4)(a) Petition blanks for Initiative shall consist of one sheet of paper, printed on only one side, entitled "Town of Melbourne Village, Initiative Petition". The blank shall be in substantially the following form:

TOWN OF MELBOURNE VILLAGE
INITIATIVE PETITION

The petitioners listed below are proposing an ordinance by initiative. The ordinance is as follows:

(summary of ordinance)

This proposed ordinance, if signed by 25% of the Town's electors as of the last Town election, will be presented to the Town Commission. If it is not adopted by the Commission, it will then be submitted to the voters. If you approve of the ordinance and/or wish it to be submitted to the Commission and the voters, please sign below, but only if you are a registered voter of the Town of Melbourne Village.

1) _____	2) _____
Elector's signature as appears on voter registration rolls.	Elector's signature as appears on voter registration rolls.
Print: _____	Print: _____
Name as signed above	Name as signed above

_____	_____
Home address	Home address

_____	_____	_____	_____
City	Zip Code	City	Zip Code

[more signature blanks as required]

CHAPTER 5

Circulator's Affidavit

I, the undersigned, personally circulated this paper. There are _____ (number) signatures thereon. All the signatures were affixed in my presence and I believe them to be the genuine signatures of the persons whose names they purport to be. Each signer had an opportunity to read the full text of the proposed ordinance. _____

Circulator

Subscribed and sworn before me this _____ day of _____ A.D., 19 ____.

Notary _____

My Commission Expires:

(Notary Seal)

(b) Petition blanks for Referendum shall consist of one sheet of paper, printed on only one side, entitled "Town of Melbourne Village, Referendum Petition". The blank shall be in substantially the following form:

TOWN OF MELBOURNE VILLAGE REFERENDUM PETITION

The petitioners listed below are proposing that Ordinance No. _____ adopted on _____, be repealed.

The ordinance is as follows:

(summary of ordinance)

If this petition is signed by 25% of the Town's electors as of the last Town election, and the Town Commission fails to repeal, the voters of the Town will vote whether to Repeal. If you want the ordinance repealed and/or submitted to the voters, please sign below, but only if you are a registered voter of the Town of Melbourne Village.

1) _____ 2) _____ Elector's
name as appears Elector's name as appears
on voter registration rolls on voter registration rolls

MELBOURNE VILLAGE CODE

Print: _____ Print: _____ Name as
signed above Name as signed above
_____ Home
address Home address _____
_____ City
Zip Code City Zip Code

[more signature blanks as required]

Circulator's Affidavit

I, the undersigned, personally circulated this paper. There are _____ (number) signatures thereon. All the signatures were affixed in my presence and I believe them to be the genuine signatures of the persons whose names they purport to be. Each signer had an opportunity to read the full text of the ordinance sought to be repealed.

Circulator _____

Subscribed and sworn before me this _____ day of _____ A.D., 19 ____.

_____ Notary

My Commission Expires: _____ (Notary Seal)

(c) Petition blanks for each issue shall be of a uniform size and shall be prepared at the expense of the petitioners. No blanks may be circulated for signature prior to the approval of the form by the Town Clerk.

(5) Upon the filing of an initiative or referendum petition, the Town Clerk shall determine if it is sufficient as to form, content, and circulator affidavits, but not substance. If not, the Clerk shall promptly issue an insufficiency certificate and mail it to the petitioner who filed the petition. A petition deemed insufficient for any reason other than lack of the required number of signatures may not be amended or resubmitted.

(6) A petition deemed by the Clerk to be sufficient as to form, content, and circulator affidavits, but not substance, shall be promptly delivered to the Supervisor Elections of Brevard County for verification of signatures pursuant to Section 99.097, Florida Statutes; however,

CHAPTER 5

the random sample procedure of Sections 99.097(1)(b) and (2), Florida Statutes, shall not be used. The petitioners shall pay the supervisor the fee for verification required by Section 99.097(4), Florida Statutes. The supervisor shall complete the verification no later than the 20th day following the date of the filing of the petition with the Town Clerk, and prepare a certificate, which shall be promptly delivered to the Town Clerk, stating the number of signatures checked, the number verified to be registered electors of the Town of Melbourne Village, and the number of signatures determined not to be of registered electors of the Town. Upon receipt of the certificate, the Town Clerk shall compare the number of verified signatures to the number equal to 25% of the registered electors of the Town as of the last regular Town election, and if the number of verified signatures exceeds the requisite number, the Town Clerk shall issue a certificate of sufficiency, and deliver a copy of the certificate and the proposed ordinance (or ordinance proposed to be repealed) to the members of the Town Commission.

(7) If the Town Commission fails to adopt a proposed initiative ordinance without any change in substance, or fails to repeal an ordinance sought to be repealed by referendum, within 45 days of issuance of the certificate of sufficiency by the Town Clerk, it shall, no later than the 45th day following issuance of the certificate of sufficiency, adopt a resolution calling an election to consider the proposed ordinance for adoption or the repeal of an existing ordinance, whatever the case may be, and prescribing the ballot language in the manner provided in this Code. The election shall be held not less than 45 days nor more than 60 days after the approval of the resolution. Whenever possible, the election shall be held in conjunction with a regularly scheduled State or Town election.

(8)(a) At the time prior to the 15th day preceding the election, no less than a majority of the petitioners may file with the Town Clerk a written request under oath for withdrawal of the initiative or referendum petition. Upon filing, the petition shall be considered withdrawn and no longer of any effect. If the Town Commission is considering the ordinance at the time of withdrawal, it may, in its discretion, continue such consideration. If an election has been called prior to the petition withdrawal, the Town Clerk shall, upon receipt of the request, transmit a notice thereof to the Town Commission and the Supervisor of Elections, and the Town Commission shall by resolution cancel the election.

(b) If at any time prior to, or on, the 60th day following issuance of the certificate of sufficiency, the Town Commission adopts the proposed initiative ordinance without any change in substance, or repeals an ordinance sought to be repealed by referendum, whichever the case may be, and an election has previously been called for the electors to vote on such ordinance, the Town Commission shall by resolution cancel that election.

MELBOURNE VILLAGE CODE

(9)(a) If an ordinance proposed by initiative is submitted to an election, it shall be adopted if a majority of the electors voting in that election approve the ordinance. It shall be adopted as of the date the results of the election are canvassed and certified by the Town Commission in the manner prescribed in Section 5-25. The effective date of the ordinance shall be the date the election results are certified or on the date set forth in the ordinance, whichever is later.

(b) If two or more ordinances are approved at the same election, and in the opinion of the Town Attorney two or more such ordinances are in conflict, in whole or in part, the election results shall be canvassed and certified, but the ordinance in conflict receiving the largest number of affirmative votes shall be effective to the extent of the conflict, and the conflicting provisions of any other ordinance shall be considered repealed by the ordinance receiving the largest number of affirmative votes.

(10) If an ordinance sought to be repealed by referendum is submitted to an election, it shall be repealed if a majority of the electors voting in that election approve the repeal. It shall be repealed as of the date the election is canvassed and certified by the Town Commission in the manner provided in Section 25.

SECTION 5-18. RECALL.

(1) The recall of a Town Commissioner shall be conducted pursuant to Section 4.05 of the Melbourne Village Charter and Section 100.361, Florida Statutes, it hereby being noted that said State law, Section 100.361(8), expressly provides that any Charter provision contrary to the provisions of said State law is repealed to the extent of such conflict.

(2) The ballot language shall be that prescribed in Section 100.361, Florida Statutes.

SECTION 5-19. PRECINCTS. Those precincts approved by the board of county commissioners pursuant to Section 98.031, Florida Statutes, lying within the corporate limits of the Town of Melbourne Village are hereby designated as the Town precincts to be used in any and all Town elections.

CHAPTER 5

SECTION 5-20. POLLING PLACES.

- (1) There shall be one polling place located within each precinct. Those polling places designated and used by the Supervisor of Elections of Brevard County shall be used for Town elections.
- (2) Whenever necessary, polling place locations may be temporarily changed in the manner provided in Sections 101.71(2) and (3), and Section 101.74, Florida Statutes. The Supervisor of Elections shall consult with the Clerk prior to relocating any polling place in a Town election.
- (3) Each polling place shall, whenever possible, be accessible to the handicapped and comply in a practicable manner with the standards of accessibility set forth in Section 101.715(1), Florida Statutes.
- (4) The polling place shall be arranged in the manner prescribed in Section 101.37, Florida Statutes.

SECTION 5-21. VOTING MACHINES OR EQUIPMENT.

- (1) Voting machines or other equipment shall be used in each Town election. Said machines or equipment shall be owned by Brevard County and supplied by the Supervisor of Elections.
- (2) The number of voting machines or equipment in each precinct for Town elections shall be determined by the Town Clerk upon consultation with the Supervisor of Elections. In making such determination, the Town Clerk shall consider the traditional voting patterns and turnout in each precinct for a Town election and furnish the number of machines or equipment necessary to handle efficiently the anticipated number of voters in that precinct for a Town election. The number to be used in each precinct shall be posted in a conspicuous place in the Town Hall and on the Community Bulletin Board and shall be reported to the Town Commission.
- (3) The voting machines or equipment to be used in a Town election shall be prepared by the Supervisor of Elections in accordance with Chapter 101, Florida Statutes.

SECTION 5-22. BALLOTS.

- (1) The form of the ballot in elections shall be in substantially the same form as the form of the ballot for the State general election ballot prescribed in Section 101.191, Florida Statutes.

MELBOURNE VILLAGE CODE

(2) Ballots shall be prepared by the Supervisor of Elections of Brevard County pursuant to instructions from the Town Clerk and in accordance with State law and this Code.

SECTION 5-23. POLL WORKERS.

(1) At each polling place there shall be a sufficient number of poll workers to handle the anticipated number of voters. The Supervisor of Elections and Town Clerk shall determine the necessary number and report it together with the names of the poll workers to the Town Commission prior to the date of the election. The Town Commission shall appoint the poll workers for any Town election; provided, however, when a Town election is held in conjunction with a State election and conducted by the Supervisor of Elections, the poll workers shall be those appointed by the Supervisor of Elections.

(2) All poll workers for a Town election shall have completed training classes conducted by the Supervisor of Elections of Brevard County.

(3) Poll workers shall conduct the election, and at the close of the polls deliver the voting equipment to the Town Clerk who shall arrange for the transporting of same to the Brevard County Supervisor of Elections for counting and certification.

SECTION 5-24. ABSENTEE VOTING.

(1) An elector may request an absentee ballot and cast an absentee vote in any Town election, proving that he or she is an absentee elector as defined under Section 97.021(8), Florida Statutes.

(2) An absentee ballot may be requested in the manner provided in Section 101.62, Florida Statutes, and voted in accordance with Sections 101.64-101.67, Florida Statutes.

(3) Absentee ballots for any Town election must be requested from, and returned to, the Town Clerk, and received and kept in the same manner as provided in Section 101.67, Florida Statutes.

(4) Absentee ballots shall be canvassed by the Town Commission in the manner provided in Section 101.68, Florida Statutes.

CHAPTER 5

SECTION 5-25. CANVASSING BOARD.

- (1) For any Town election, the Town Commission shall be the canvassing board. No Commissioner may participate in the canvassing of the returns of the election for the seat for which he or she was a candidate, or was subject to recall.
- (2) The Commission shall convene as a canvassing board no later than the third day following the election. At that time the Town Clerk shall present the returns by precinct and seat or issue. Absentee ballots shall be opened and counted or rejected at that meeting.
- (3) The Town Commission shall canvass the returns in accordance with Section 102.141(3), Florida Statutes, and canvass absentee ballots in accordance with Section 101.68, Florida Statutes.
- (4) At such time as the Town Commission has canvassed the returns, disposed of any challenges thereto, and ascertained and certified the results, the Town Clerk shall issue a certificate of election to each candidate elected and issue and file a certificate of election for each special election.

SECTION 5-26. RECOUNTS.

- (1) In its discretion, the Town Commission, as the canvassing board, may order a recount of the returns of any election prior to the final certification of the results.
- (2) If the returns for any office reflect that a candidate was defeated or eliminated by one-half of a percent or less of the votes cast for such office, that a commissioner subject to recall was retained or not retained by one-half of a percent or less of the votes cast on the question of recall, or that an issue appearing on the ballot was approved or rejected by one-half of a percent or less of the votes cast on such measure, the canvassing board shall order a recount of the votes cast with respect to such office or issue. A recount need not be ordered with respect to the returns of any office, however, if the candidate or candidates defeated, recalled, or eliminated from contention for such office by one-half of a percent or less of the votes cast for such office request in writing that a recount not be made. The canvassing board shall examine the counters on the machines or the tabulation of the ballots cast in each precinct in which the office or issue appeared on the ballot and determine whether the returns correctly reflect the votes cast. If there is a discrepancy between the returns and the counters of the machines or the tabulation of the ballots cast, the counters of such machines or the tabulation of the ballots cast shall be presumed correct and such votes shall be canvassed accordingly.

MELBOURNE VILLAGE CODE

(3) Upon request of any candidate for good cause shown, the canvassing board may, prior to the final certification of results, order a recount in whole or in part of the election in which that candidate participated. Upon request of any elector for good cause shown, the canvassing board may, prior to final certification of results, order a recount of any special election.

SECTION 5-27. PROTEST. A candidate or any elector qualified to vote in the election related to such candidacy may file a protest of the election returns pursuant to Section 102.166, Florida Statutes, in the form prescribed in Section 102.167, Florida Statutes. The canvassing board shall consider the protest as provided in Section 102.166(1), Florida Statutes, if filed with that board.

SECTION 5-28. CONTEST.

(1) An unsuccessful candidate may contest the results of the election in which he or she participated as provided in Section 102.168, Florida Statutes.

(2) A taxpayer of the Town may contest the results of any question or issue submitted to a vote of the electors as provided in Section 102.168, Florida Statutes.

(3) If the unsuccessful candidate filing a contest is determined to be entitled to the office, and some other individual has been issued a certificate of election or entered upon the duties of the office, a judgment of ouster may be entered by the Circuit Court and the contestant shall assume that office.

(4) If a judgment is entered setting aside an election, the election shall be regarded as having been void.

SECTION 5-29. PROHIBITED PRACTICES; PENALTIES.

(1) Any person knowingly signing a petition more than one time shall be in violation of Section 104.185, Florida Statutes.

(2) Any circulator falsely executing the affidavit on any petition blank shall be in violation of Section 104.011, Florida Statutes.

(3) Any person who by bribery, menace, threat, or other corruption whatsoever, directly or indirectly, attempts to, or does in fact, influence, deceive, or deter any elector, or in any way interferes with any elector in the free exercise of his or her right to sign or not sign a petition

CHAPTER 5

shall be guilty of a violation of this subsection and punishable as provided in Chapter 1, Section 9, of the Melbourne Village Town Code.

(4) Any person who shall directly or indirectly give or promise anything of value to another intending thereby to buy that individual's or another's signature on a petition, or to corruptly influence another in signing or not signing a petition, shall be guilty of a violation of this subsection and punishable as provided in Chapter 1, Section 9, of the Melbourne Village Town Code.

SECTION 5-30. LAWS; AMENDMENTS. All references herein to specific State laws, the Melbourne Village Town Charter, and the Melbourne Village Town Code shall be construed to mean the same as amended.