

ORDINANCE 2008-03

AN ORDINANCE OF THE TOWN OF MELBOURNE VILLAGE, BREVARD COUNTY, FLORIDA, AMENDING SECTIONS OF CHAPTER 5 OF THE TOWN CODE OF THE TOWN OF MELBOURNE VILLAGE RELATING TO QUALIFYING DATES FOR MUNICIPAL ELECTIONS AND NOTICE OF ELECTIONS: PROVIDING FOR EARLIER CLOSING QUALIFYING DATES: PROVIDING FOR EARLIER PUBLICATION OF THE NOTICE OF ELECTION: PROVIDING FOR NOTICE TO THE SUPERVISOR OF ELECTIONS AND OTHER INTERESTED PARTIES: PROVIDING FOR SEVERABILITY: PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, The State of Florida changed the date of the first Primary Election to the last Tuesday in August; and

WHEREAS, the purpose of this change is to allow Supervisors of Elections to send absentee ballots out earlier than in past years; and

WHEREAS, the Brevard County Supervisor requires that all Municipal ballot information be finalized to his office by 74 days prior to the General Election so that absentee ballots may be mailed as soon as possible after primary; and

WHEREAS, chapter 5, section 5-10 of the Town of Melbourne Village Town Code sets closing qualifying dates for Town elections which would not allow the Town to finalize the ballot information in time to provide it to the County in a timely manner; and

WHEREAS, chapter 5, section 5-13 declares that the Regular Town Elections shall be held on the first Tuesday after the first Monday in November; and

WHEREAS, the Town must meet the County deadline for ballot information in order to participate in the November election date; and

NOW, THEREFORE BE IT ORDAINED BY the Town Commission of the Town of Melbourne Village, Florida that:

Section 1. Time for Qualifying:

Section 5-10 of the Town Code of the Town of Melbourne Village is amended to read as follows:

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 81st day preceding the election, except write-in candidates may qualify no later than 5:00 p.m., local time, on the 76th day preceding the election.

Section 2. Election Notice to be published during qualifying:

Section 5-15 of the Town Code of the Town of Melbourne Village is amended to read as follows:

SECTION 5-15. NOTICE OF ELECTION.

(1) The Town Clerk shall, no earlier than ninety (90) days but no later than eighty three (83) 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.

(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 4. Notice to be Provided

The Town Commission of the Town of Melbourne Village directs that notice of the above be provided to the Brevard County Supervisor of Elections, the League of Women Voters of the Space Coast, and The Florida Today Newspaper, and that it be posted prominently on the Town Bulletin Board beginning July 30th 2008 through the close of qualifying in August 2008.

Section 5. Severability

The provisions of this Ordinance are declared to be severable and if any section, sentence, clause or phrase of this Ordinance shall for any reason be held to be invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this Ordinance, it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

Section 6. Effective Date

This Ordinance shall become effective immediately upon its final adoption.

PASSED and ADOPTED by the Town Commission of the Town of Melbourne Village, on the first reading this 24th day of June, 2008, and upon its second reading this 29 day of July, 2008.

Stephen J. Gaul
Mayor

ATTEST:

Gail E. Griswold,
Town Clerk/Treasurer