

JACKSONVILLE CHARTER

TITLE IX - ELECTION CODE

Ch. 350.	Elections, Election Regulations, and Campaigning
Ch. 352.	Voting Precincts and Polling Places

Footnotes:

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Cross reference— Legislative branch, Tit. II; executive branch, Tit. III.

Chapter 350 - ELECTIONS, ELECTION REGULATIONS, AND CAMPAIGNING⁽¹⁾

Footnotes:

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Editor's note— Ord. 2007-329-E, § 2, amended the Code by renaming Ch. 350. Formerly Ch. 350 was entitled "Elections and Election Regulations."

Charter reference— Council membership and districts, § 5.01; qualifications and compensation of Council members, § 5.04; vacancies on Council, § 5.05; Mayor, Art. 6; Sheriff, Art. 8; supervisor of elections, Art. 9; property appraiser, Art. 10; tax collector, Art. 11; judicial officers, Art. 12; school board, Art. 13; recall, Art. 15; Charter amendments and referenda, § 18.05.

State Law reference— Elections, F.S. Chs. 97—107.

State rule reference— Elections, F.A.C. Ch. 1S-2.

PART 1. - GENERAL PROVISIONS

Sec. 350.101. - General Consolidated Government elections.

- (a) *When held; offices to be voted upon.* General Consolidated Government elections shall be held in the year 1979 and quadrennially thereafter. All officers who are required by the Charter to be elected, except as provided elsewhere in this Chapter, shall be elected at the general Consolidated Government elections as set forth in Section 350.102.
- (b) *Who may vote.* All qualified electors of Duval County are entitled to vote in a general Consolidated Government election. Where officers are required by the Charter to be elected from districts, only the qualified voters in a district shall be entitled to vote for candidates from such district.
- (c) *Majority vote required.* All officers shall be elected by a majority of the votes cast for the office.

(Ord. 78-367-148, § 2; Ord. 83-591-400, § 1; Ord. 93-1267-1332, § 2)

Note— Former § 202.101.

Sec. 350.102. - Consolidated Government elections.

- (a) *First election.* A first Consolidated Government election shall be held on the twelfth Tuesday of the year in which general Consolidated Government elections are to be held. Each candidate receiving a majority of the votes cast in each contest in a first Consolidated Government election shall be declared elected for such office. A general Consolidated Government election shall be held as provided in subsection (b) of this Section in all contests in which a candidate does not receive a majority. The candidates in the general election shall be the two candidates with the highest vote totals in the first election. In the event more than one candidate received the second highest vote total then each such candidates' name, as well as the name of the candidate with the highest vote total, shall be on the ballot.
- (b) *General election.* A general Consolidated Government election shall be held on the eighth Tuesday after the first Consolidated Government election in each year in which general Consolidated Government elections are to be held, where a candidate is not elected in the first Consolidated Government election. The candidate who receives the highest number of votes cast for the office shall be declared nominated. In case two or more persons receive an equal and highest number of votes for the same office, such persons shall draw lots to determine who shall be elected to office.

(Ord. 78-367-148, § 3; Ord. 83-591-400, § 1; Ord. 93-1267-1332, § 3; Ord. 2006-699-E, § 2)

Note— Former § 202.102.

Sec. 350.103. - Special elections to fill permanent vacancies.

- (a) *When called; by whom called.* If a permanent vacancy shall occur in the office of a member of the Council more than two years prior to the date of the next general Consolidated Government election, the Council shall declare the vacancy to exist by resolution, and the vacancy shall be filled by a special election called by the Council by resolution pursuant to this Section.
- (b) *When held.*
 - (1) If the vacancy occurs not earlier than the one hundred eightieth day nor later than the fifty-sixth day before the first primary election of a year in which a general statewide election is held, at which latter election all qualified voters of Duval County are entitled to participate, the special election to fill the vacancy shall be held as a part of and at the same time as the first primary election of such general statewide election. In the event no one is elected pursuant to the first election, a general election shall be held as a part of and at the same time as the general statewide election, of which the special election is a part. The time period during which candidates may qualify to run in the special election shall be the same as or the remaining time period during which candidates may qualify to run in the primary election and general statewide election.
 - (2) If the vacancy occurs at any time more than two years prior to the date of the next general Consolidated Government election, other than as set forth in subsection (b)(1) of this Section, the first and second special elections to fill the vacancy shall be held at the time specified by the Council; provided, that at least four weeks shall intervene between the dates set for the first and second special elections. The time period during which candidates may qualify to run in the special elections shall be specified by the Council in the resolution calling the special election; provided, that a period of at least seven calendar days shall be fixed for the qualifying period and that the last date on which candidates may qualify shall occur not less than three weeks before the date of the first special election.
 - (3) In all cases and situations not covered by this Section, and so far as practicable, the general laws of the state applicable to elections of County officials shall apply to the special elections and special primary elections herein provided for.

(Ord. 76-897-381, § 1; Ord. 83-591-400, § 1; Ord. 93-1267-1332, § 4)

Note— Former § 202.103.

Sec. 350.104. - Reserved.

Editor's note— The provisions of former § 350.104, relative to qualified voters, were deleted as part of the Super Supplement to the Code. Former § 350.104 derived from Ord. 78-367-148, § 5; Ord. 83-591-400, § 1.

Note— Former § 202.104.

Sec. 350.105. - General state laws applicable.

All general laws of the state applicable to elections of County officials shall apply to Consolidated Government elections except where expressly provided to the contrary in this Chapter.

(Ord. 78-367-148, § 6; Ord. 83-591-400, § 1)

Note— Former § 202.105.

Sec. 350.106. - Qualification of Candidates.

Candidates for offices to be filled by election pursuant to this Chapter shall qualify for such election by following those procedures for candidate qualification specified in Chapter 99, Florida Statutes.

(Ord. 78-367-148, § 7; Ord. 83-591-400, § 1; Ord. 95-278-754, § 1; Ord. 2005-1258-E, § 1; Ord. 2006-699-E, § 3; Ord. 2007-1185-E, § 1)

Note— Former § 202.106.

Sec. 350.107. - Consolidated Government a County under F.S. § 111.011.

The Council hereby elects and determines that the Consolidated Government shall be considered a County for all purposes under F.S. § 111.01 requiring the filing of statements of certain contributions received by elected public officers.

(Ord. 71-204-34, § 1; Ord. 71-397-181; Ord. 78-367-148, § 1; Ord. 83-591-400, § 1)

Note— Former § 202.107.

Sec. 350.108. - Delegating certain duties and responsibilities to Supervisor of Elections.

The Supervisor of Elections is designated as the responsible official to implement the requirements of F.S. § 98.031 and to act as liaison with the Division of Elections of the Department of State in implementing the requirements of F.S. § 98.031 in the fixing of election district boundaries and other matters pertaining thereto; provided, that no change in election districts, polling places or other actions that affect the Charter, ordinances and resolutions of the City regarding elections shall become effective without the prior approval of the Council.

(Ord. 76-1241-635, § 1; Ord. 77-200-39, § 2; Ord. 78-367-148, § 4; Ord. 83-591-400, § 1)

Editor's note— The statutory references in § 350.108 are no longer accurate. F.S. § 98.031 was transferred and renumbered as F.S. § 101.001.

Note— Former § 202.108.

Sec. 350.109. - Use of voting machines by public agencies and private organizations.

Public agencies and private organizations located within the City may use City voting machines to conduct elections, subject to the following conditions:

- (a) The Supervisor of Elections approves the use of the voting machines and the quantity thereof to be used, insuring that the day or days upon which the voting machines are to be used do not conflict with a regularly scheduled election;
- (b) The using agency or organization pays a rental fee of an amount equal to the actual cost to the City to provide such service for each voting machine used, payable in advance of pickup of the voting machines;
- (c) The voting machines are transported at the expense of the using agency or organization by a bonded transfer company with sufficient insurance as determined by the Supervisor of Elections to cover any in-transit damage to the voting machines and with the proper equipment as determined by the Supervisor of Elections to handle the voting machines;
- (d) The using agency or organization assumes full responsibility in writing executed by an individual in such agency or organization who is legally authorized to contractually bind such entity for the safety and good condition of the voting machines while they are in its custody and holds the City harmless for any damage to the voting machines while in transit and in custody; and
- (e) The using agency or organization bears the expense of programming and preparing the voting machines for use by it.

(Ord. 75-1048-534, § 1; Ord. 78-367-148, § 1; Ord. 81-901-427, § 1; Ord. 83-591-400, § 1)

Note— Former § 202.109.

Sec. 350.110. - Use of voting machines by Urban Services Districts.

The Second, Third, Fourth and Fifth Urban Services Districts may use City voting machines without charge in all elections, provided:

- (a) The City incurs no expense; and
- (b) Each Urban Services District using voting machines holds the City harmless from all damages to the machines while in transit and while in the District's custody.

(BCC Min. 18, Oct. 29, 1937; Ord. 70-650-526; Ord. 71-397-181; Ord. 75-1048-534, § 2; Ord. 78-367-148, § 1; Ord. 83-591-400, § 1)

Note— Former § 202.110.

Sec. 350.111. - Reserved.

Editor's note— The provisions of former § 350.111, relative to the election of School Board members, were deleted as part of the Super Supplement to the Code. Former § 350.111 derived from Ord. 78-367-148, § 8; Ord. 80-155-6, § 1; Ord. 83-591-400, § 1; Ord. 86-1135-636, § 1; Ord. 93-1268-748, § 1.

Note— Former § 202.111.

Sec. 350.112. - Election Canvassing Board.

For all elections held in Duval County, including those held to elect officers of the Second, Third, Fourth and Fifth Urban Services Districts so long as such elections coincide with a county-wide election, pursuant to F.S. § 102.141(1), there shall be an Election Canvassing Board composed of the Supervisor of Elections, a County Court Judge, who shall be the chairman of the Board, and the Council President. The General Counsel shall serve as legal counsel to the Board. In the event that a member of the Election Canvassing Board is unable to serve, such member shall be replaced in accordance with the procedures established in F.S. § 102.141(1). The Election Canvassing Board shall have the powers and duties conferred and imposed on county canvassing boards in the case of County elections; provided, that in the case of a protest filed by a person under the provision of F.S. § 102.166(1) involving a Council seat, the Election Canvassing Board shall report the protest to the Council, shall not issue a certificate of election for any candidate for that Council seat and shall note the protest, the fact that it was reported to the Council and the non-issuance of the election certificate as required by this section in its records.

(Ord. 78-367-148, § 9; Ord. 83-591-400, § 1; Ord. 2002-155-E, § 1; Ord. 2017-439-E, § 1)

Note— Former § 202.112.

Sec. 350.113. - Costs and expenses.

The costs and expenses of Consolidated Government and School Board elections, and the costs and expenses of all other elections required or authorized by general or special law to be paid by counties or cities or by ordinance to be paid by the City, shall be paid by the City, except that:

- (a) The costs and expenses of elections of officials of the Second, Third, Fourth or Fifth Urban Services Districts shall be borne by the District holding such elections.
- (b) Costs required by law to be borne by other groups, persons or organizations shall be borne by the group, person or organization responsible therefor without reimbursement by or from the City.

(Ord. 78-367-148, § 10; Ord. 83-591-400, § 1)

Note— Former § 202.113.

Sec. 350.114. - Provisions not to apply to certain offices.

The provisions of this Chapter, except Sections 350.112 and 350.113, shall not apply to elections of judicial officers or to the office of Clerk of the Circuit and County Courts. Officers of the Second, Third, Fourth and Fifth Urban Services Districts shall continue to be elected as provided in Article 1 of the Charter.

(Ord. 78-367-148, § 11; Ord. 83-591-400, § 1)

Note— Former § 202.114.

Sec. 350.115. - Form of ballot.

(a) The consolidated government first election ballot shall have a heading substantially as follows:

OFFICIAL BALLOT
CONSOLIDATED GOVERNMENT
FIRST ELECTION

(b) The consolidated government general election ballot shall have a heading substantially as follows:

OFFICIAL BALLOT
CONSOLIDATED GOVERNMENT
GENERAL ELECTION

(Ord. 93-1267-1332, § 1)

Sec. 350.116. - Ballots; listing of candidates.

In all City elections the ballot format shall be that candidates shall be listed in alphabetical order, without preference to the party of the Governor.

(Ord. 94-1198-708, § 1)

Sec. 350.117. - Campaign Treasurer Reports.

All campaign treasurer reports required by state law to be filed with the Supervisor of Elections (including but not limited to those reports required by section 106.07 and section 106.141, Florida Statutes, or successor statutes) shall be filed electronically only and in accordance with the same requirements set forth in section 106.0705 and section 106.0706, Florida Statutes (or successor statutes). The Supervisor of Elections shall determine the required format and deadlines, and shall maintain a computer station at a Supervisor of Elections office for use by treasurers who do not have computer access.

(Ord. 2011-409-E, § 1)

PART 2. - MAIL BALLOTS

Sec. 350.201. - Mail ballot elections.

An election may be conducted by mail ballot if:

- (a) The election is a referendum at which all or a portion of all of the qualified electors of the City are the only electors eligible to vote;
- (b) The City Council calls for the election;
- (c) The supervisor of elections authorizes the use of mail ballots;

- (d) The Secretary of State approves a written plan for the conduct of the elections; and
- (e) The election complies with all the procedural requirements set forth in the state Mail Ballot Election Act as it may be amended from time to time.

(Ord. 95-1130-745, § 1)

PART 3. - CAMPAIGN REGULATIONS^[2]

Footnotes:

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Editor's note— The subject of campaign regulations was previously covered by Pt. 6 of Ch. 602. Those provisions have been effectively repealed and replaced by the provisions of this Pt. 3.

Sec. 350.301. - Political activities of certain officers and employees during duty hours.

It is unlawful and a class C offense for an officer or employee of the City or an independent agency (except elected officials, members of the advisory and regulatory boards of the City and members of the board of an independent agency) to take any active part in political management or in political campaigns during duty hours; provided, that this Section shall not be construed to prohibit an officer or employee from voting as he or she may choose and from expressing his or her opinion on a political subject or candidate. No leaves of absence, excluding previously accumulated vacation leaves, shall be granted to officers or employees for the purpose of participating in a political campaign.

(Ord. 2007-329-E, § 2)

Sec. 350.302. - Restrictions on campaigning by city employees.

- (a) No employee of the City or an independent agency shall, while wearing a uniform required for his or her employment:
 - (1) Request, in person, that any individual contribute any time, money or other thing of value to any candidate, political party or committee of continuous existence;
 - (2) Solicit, in person, support or votes for any candidate, political party or public measure; or
 - (3) Take an active part in political management of political campaigns.
- (b) Except for legal and authorized union activity, a superior of a civil service employee shall not request a civil service employee to:
 - (1) Contribute any time, money or other thing of value to any candidate or to any political party or committee of continuous existence;
 - (2) Support or vote for any political candidate, political party; or
 - (3) Vote for any public measure; or
 - (4) Take an active part in the management of a political campaign.
- (c) No question on any form of application or in any examination shall be so framed as to elicit information concerning the political opinions or affiliations of any applicant, nor shall any inquiry be made concerning such opinions or affiliations, and no disclosure thereof shall be considered in any employment decision.
- (d) No officer or employee of the City or an independent agency covered by civil service may engage in any political activity during the hours of employment, nor shall any person solicit political

contributions from such employees of the City or independent agency during hours of employment or in City facilities; but nothing in this Section shall preclude voluntary contributions by a City or independent agency employee to the party or candidate of his or her choice during non-employment hours and off city or independent agency property.

- (e) Nothing contained herein shall be construed to permit partisan political activity of any officer or employee of the city or independent agency who is prevented or restricted from engaging in such political activity by the provisions of the Federal Hatch Act, 5 U.S.C. §§ 1501-1508.

(Ord. 2007-329-E, § 2)

Sec. 350.303. - Campaign contributions on City property prohibited.

It is unlawful and a Class D offense for a person to make or solicit or knowingly accept any campaign contribution in a building owned by the City or an independent agency. For purposes of this Section, *accept* means to receive a contribution by personal hand delivery from a contributor or his agent and a solicitation shall be deemed to occur where the solicitor of the solicitation is located at the time of the solicitation. This Section shall not apply when a building owned by the City or an independent agency, or any portion thereof, is rented for the specific purpose of holding a campaign fundraiser.

(Ord. 2007-329-E, § 2)

Sec. 350.304. - Political signs; prohibited on public property.

- (a) It shall be unlawful and a class A offense for any person to erect, place or install a political sign or advertisement on public property.
- (b) All signs which do not conform with the provisions of this Section shall be removed by the appropriate department of the City, as designated by the Mayor. In addition and notwithstanding any other provisions of this Section, any such political sign or advertisement placed on any roadway in violation of this Section is hereby declared to be abandoned property and is thereby subject to being removed by any person, so long as such removal is accomplished in a safe and peaceful manner. Nothing herein shall be construed to permit any person who removes such abandoned property to do so in a manner that endangers any person, property or the safety of any other person traveling on such roadway.

(Ord. 2007-329-E, § 2)

Sec. 350.305. - Campaigning; prohibited in public work places.

It shall be unlawful and a class A offense for any person to engage in political campaigning in a public building in locations where public employees are working. This prohibition shall not apply to a public officer or employee's support or opposition to a referendum affecting the City of Jacksonville; nor shall this prohibition apply to rooms rented in public buildings for the purpose of political campaigning; nor shall it apply to the city's senior citizen and community centers.

(Ord. 2007-329-E, § 2; Ord. 2008-635-E, § 1)

Chapter 352 - VOTING PRECINCTS AND POLLING PLACES⁽¹⁾

Footnotes:

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Charter reference— Supervisor of elections, Art. 9.

State Law reference— Precincts and polling places, F.S. § 101.001; polling place requirements, F.S. § 101.71; accessibility of polling places to the elderly and physically handicapped, F.S. § 101.715; temporary change of polling place in case of natural disaster, F.S. § 101.74.

Sec. 352.101. - Voting precincts established.

There are hereby established for purposes of all elections held in the consolidated city the voting precincts having the boundaries indicated and precinct numbers so designated on the Voting Precinct List filed by the Supervisor of Elections and on file in the Council Secretary's office and in the Supervisor of Elections office. The Supervisor of Elections may from time to time amend, modify or revise such list of Voting Precinct boundaries by such procedures as established by F.S. § 101.001 and shall file a copy of such amendment, modification or revision with the Council Secretary for subsequent approval by ordinance of the City Council, acting as the governing body of Duval County, Florida.

(Ord. 82-808-311, § 1; Ord. 83-245-82, § 1; Ord. 83-591-400, § 1; Ord. 84-279-70, § 1; Ord. 85-988-459, § 1; Ord. 86-693-295, §§ 1, 2, 3; Ord. 87-1561-844, § 1; Ord. 91-214-69, § 1; Ord. 92-1831-1169, § 1)

Note— Former § 200.101.

Sec. 352.102. - Designation of polling places.

There are hereby established for the purposes of all elections held in the consolidated city the polling places indicated on the Polling Place List filed by the Supervisor of Elections and on file in the Council Secretary's office and in the Supervisor of Elections office. The Supervisor of Elections may from time to time amend, modify or revise such list of polling places by such procedures as established by F.S. § 101.71 and shall file a copy of such amendment, modification or revision with the Council Secretary for subsequent approval by the City Council, acting as the governing body of Duval County, Florida.

(Ord. 82-763-308, § 1; Ord. 82-834-367, § 1; Ord. 82-1001-446, § 1; Ord. 83-275-106, § 1; Ord. 83-369-131, § 1; Ord. 83-496-186, § 1; Ord. 83-591-400, § 1; Ord. 84-258-68, § 1; Ord. 84-982-472, § 1; Ord. 84-1106-524, § 1; Ord. 84-1306-641, § 1; Ord. 84-1348-694, § 1; Ord. 85-998-459, § 2; Ord. 86-244-97, § 1; Ord. 86-693-295, § 4; Ord. 86-1225-614, § 1; Ord. 86-1273-638, § 1; Ord. 87-310-105, § 2; Ord. 87-311-106, § 1; Ord. 87-395-145, § 1; Ord. 87-583-234, § 1; Ord. 87-655-276, § 1; Ord. 87-1208-670, § 1; Ord. 87-914-546, § 1; Ord. 87-1561-844, § 2; Ord. 88-36-21, § 1; Ord. 88-174-61, § 1; Ord. 88-183-62, § 1; Ord. 88-981-478, § 1; Ord. 88-1187-576, § 1; Ord. 88-1370-646, § 1; Ord. 88-1408-701, § 1; Ord. 89-173-73, § 1; Ord. 89-458-197, § 1; Ord. 90-205-45, § 1; Ord. 90-238-46, § 1; Ord. 90-298-101, § 1; Ord. 90-653-270, § 1; Ord. 90-776-300, § 1; Ord. 90-878-347, § 1; Ord. 90-1059-455, § 1; Ord. 91-214-69, § 2; Ord. 92-117-51, § 1; Ord. 92-242-130, § 1; Ord. 92-1831-1169, § 2)

Note— Former § 200.102.