

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE OF THE CITY OF KEY WEST, FLORIDA, PURSUANT TO SECTION 8.01 OF THE KEY WEST CHARTER, PROPOSING THAT SECTION 6.01 OF THE KEY WEST CHARTER BE AMENDED TO PROVIDE THAT RUNOFF ELECTIONS, IF NECESSARY, SHALL BE HELD ON THE FIRST TUESDAY FOLLOWING THE FIRST MONDAY IN NOVEMBER BETWEEN THE TWO CANDIDATES RECEIVING THE GREATEST NUMBER OF VOTES; SETTING THE GENERAL ELECTION OF NOVEMBER 2, 2010, AS THE DATE OF REFERENDUM; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF INCONSISTENT PROVISIONS; PROVIDING FOR AN EFFECTIVE DATE**

WHEREAS, Florida Statutes Section 166.031 and Key West Charter Section 8.01(a) provide the City Commission with the authority to propose by ordinance a Charter amendment; and

WHEREAS, the City shall follow Florida Statutes Section 100.342 concerning notice of a referendum and Florida Statutes Section 101.161 concerning preparation of the referendum ballot; and

WHEREAS, the City Commission desires to obtain electorate approval to set the biennial date for runoff elections for the Tuesday after the first Monday in November; and

WHEREAS, in accordance with Key West Charter Section 8.01 the City Commission desires that the proposed referendum appear on the next General Election ballot of November 2, 2010.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF KEY WEST,  
FLORIDA:

Section 1: An amendment to Key West Charter section 6.01 shall hereby be presented as a referendum to the voters of Key West. The question appearing on the ballot shall have the following title: "Referendum - Regular Date of Runoff Elections in the City of Key West." The question appearing on the ballot shall be worded as follows:

Shall the City Charter be amended to provide the regular date of runoff elections in the City of Key West be scheduled on the first Tuesday after the first Monday in November consistent with the schedule of the Supervisor of Elections?

\_\_\_\_\_  
YES

\_\_\_\_\_  
NO

Section 2: In the event of the passage of the proposed Charter amendment set forth in section 1, above, Section 6.01 of the Key West Charter shall be amended as follows\*:

**Sec. 6.01 - City commission election; runoff.**

The election for city commissioners in districts I, III, V and VI shall be held on the first Tuesday in October, 1993. The election for city commissioners districts II, IV, and V, shall be held on the first Tuesday in October, 1995. The mayor, chosen by voters city wide shall be elected the first Tuesday in October 1993. Each commissioner elected from districts I, II, III, IV and VI shall serve a four-year term. The commissioner elected from district V in 1993 shall serve a two-year term and beginning 1995 shall serve a four-year term. Elections shall be held biennially on the first Tuesday in October thereafter. The name of any qualified elector of the city shall appear on the ballot as a candidate for the office of city commissioner upon said elector paying as a qualifying fee to the city a sum equal to five (5) percent of the annual salary of the office which said elector seeks, or by the elector qualifying by a petition process prescribed by State law and adopted in specific terms by city ordinance. A

---

\*(Coding: Added language is underlined; deleted language is ~~struck through~~.)

majority of votes cast in a particular district is needed for a candidate to be elected. If no candidate receives such a majority, then a runoff election shall be held on the first Tuesday following the first Monday in November following the first election between the two (2) candidates receiving the greatest number of votes. All ties in either election shall be decided by lot in the presence of the candidates concerned, under the direction of the city commission.

Section 3: The City Clerk is hereby authorized and instructed to take all necessary and proper action to place the referendum question set forth in Section 1, above, on the General Election ballot of November 2, 2010, and to provide notice of the referendum election as provided by law.

Section 4: If any section, provision, clause, phrase, or application of this Ordinance is held invalid or unconstitutional for any reason by any court of competent jurisdiction, the remaining provisions of this Ordinance shall be deemed severable therefrom and shall be construed as reasonable and necessary to achieve the lawful purposes of this Ordinance.

Section 5: All Ordinances or parts of Ordinances of said City in conflict with the provisions of this Ordinance are hereby superseded to the extent of such conflict.

Section 6: This Ordinance shall go into effect immediately upon its passage and adoption and authentication by the signature of the presiding officer and the Clerk of the Commission.

Read and passed on first reading at a regular meeting held this \_\_\_\_\_ day of \_\_\_\_\_, 2010.

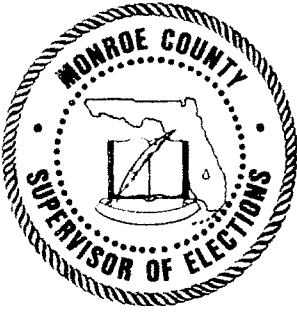
Read and passed on final reading at a regular meeting held this \_\_\_\_\_ day of \_\_\_\_\_, 2010.

Authenticated by the presiding officer and Clerk of the Commission on \_\_\_\_\_ day of \_\_\_\_\_, 2010.

\_\_\_\_\_  
CRAIG CATES, MAYOR

ATTEST:

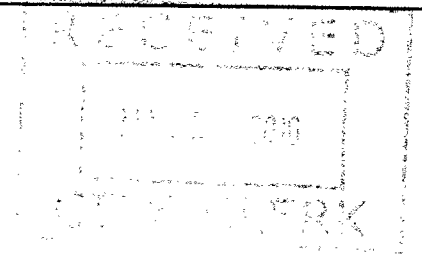
\_\_\_\_\_  
CHERYL SMITH, CITY CLERK



# HARRY L. SAWYER, JR.

Supervisor of Elections


Monroe County, Florida  
www.keys-elections.org



March 9, 2010

Honorable Craig Cates  
City of Key West Mayor  
525 Angela St.  
Key West, Florida 33040

**COPY FOR YOUR  
INFORMATION**

Dear Mayor Cates, 

I am writing to request your support on an issue that I feel should be addressed this year. The Key West City charter states that run-off elections will be held on the first Tuesday in November. State and County elections are held in November on the first Tuesday after the first Monday.

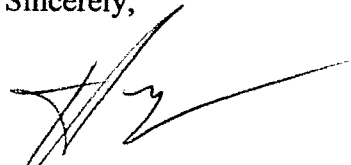
I would like the Commission to consider a charter change that would reflect the more traditional November election date of the first Tuesday after the first Monday.

Changing this date could avoid much confusion with voters and save the taxpayers of Key West the cost of the election.

Please direct you city attorney to address this issue.

Thank you, for your time and support on this important issue, please feel free to call me at anytime.

Sincerely,



Harry L. Sawyer, Jr.