

ORDINANCE NO. 26

AN ORDINANCE PRESCRIBING THE METHOD, MANNER AND CONDUCT OF ALL ELECTIONS HELD FOR THE CITY OF SPRINGFIELD, IN BAY COUNTY, FLORIDA, SETTING FORTH THE QUALIFICATIONS OF THE ELECTORS AND THE PROCEDURE FOR REGISTRATION OF VOTERS WITHIN THE CITY LIMITS; PRESCRIBING A FINE AND PENALTY AGAINST ANY PERSON FOUND VIOLATING THE ELECTION LAWS OF THE CITY OF SPRINGFIELD IN BAY COUNTY FLORIDA.

BE IT ENACTED BY THE PEOPLE OF THE CITY OF SPRINGFIELD IN BAY COUNTY, FLA:

1. Election of Officers --- A general election for the election of all officers provided to be elected by the electors of said City shall be held herein on the first Tuesday after the first Monday in September of the year A. D. 1952 and the regular municipal elections shall be held annually thereafter on the first Tuesday after the first Monday in September. All persons elected shall take office on the third Tuesday after the first Monday in September of the year elected. That the first general election held under this ordinance and as provided by charter, the two Commissioners receiving the highest number of votes shall serve for two year terms and the three commissioners receiving the next highest number of votes shall serve for one year terms unless, if prior to the first election, the City is divided into five wards as provided by charter.

2. Qualifications of Electors --- Any person who shall possess the qualifications of an elector in general state elections and shall have resided in the City of Springfield in Bay County, Florida for six (6) months next preceding such municipal election and registered in the City as required by ordinance, shall be deemed a qualified elector authorized to vote at such municipal election. (On all propositions relating to the granting of franchises or the issuing of city bond, only such qualified electors as are owners of real property shall be eligible.

3. Registration of Voters --- The City Clerk shall be the registration officer for the City and shall register all persons applying to him who are qualified electors under the provisions of this charter.

For this purpose, the registration book shall be open at his office thirty (30) days before the holding of any municipal election, and shall remain open for registration for twenty (20) days thereafter between the hours of 9:00 a.m. and 12:00 a.m. and from 2:00 p.m. to 5:00 p.m. each day. Each person applying to be registered shall take the following oath which will be administered by the Registration Officer or his duly appointed Deputy: "I do solemnly swear that I am a bonafide resident of the City of Springfield in Bay County, Florida and possess all of the qualifications of an elector of said City". Any person taking such oath who shall swear falsely, shall be guilty of perjury. The name of each person so registered shall be entered in a book prepared for that purpose, which book shall show under appropriate heading; the age, color, occupation and exact place of residence of each person so registered; the City Registration Officer shall prepare this list of registered voters in alphabetical order, omitting therefrom the names of all persons who have died or removed from the City or who are otherwise disqualified to vote. Immediately upon the completion of such list, they shall be turned over to the City Commission, and the City Commission shall publish said list of registered voters on a bulletin board to be located in an appropriate place accessible to all persons on the premises of the City Hall in the City of Springfield in Bay County, Florida, at least six (6) days before the date of the municipal election, giving notice that they will meet at a certain place within the City, three (3) days before the date of the election, for the purpose of restoring any names to such registration list as may have been improperly stricken or omitted from the same. The registration list as so revised and completed shall constitute the list of registered voters at such municipal election.

4. Inspectors and Clerks --- For the purpose of carrying on and continuing each city election, it shall be the duty of the City Commission to make all necessary arrangements for holding all municipal elections, and shall declare the result thereof. Inspectors and Clerks of Election shall be appointed by the City Commission, except that if the Commission

shall fail to appoint them at least two (2) days before the date of any election, the Mayor may appoint them.

5. Polling Places --- It shall be the duty of the City Commission to make arrangements for, and provide, a polling place presided over and managed by the Board of Inspectors and Clerk of Election which shall be the polling place for the election of the elective officers of said City; proper enclosures shall be provided at each polling place. Polling booths similar in construction to those used in state and county elections shall be used at these polling places. No one, except the Inspectors of Election, shall be allowed to speak to the voters while in the polling place casting his vote, and no Inspector shall speak to, or interfere with, any voter concerning the manner of his voting or any ballot he may vote, otherwise then to perform his duties as such Inspector specified herein; provided, that the ballot box shall at all times be kept in full view of the public during the election and until the ballots have been canvassed.

6. Opening and Closing Polls --- The polls shall be opened at such voting places at 7:00 a.m. on the day of election and shall be kept open until 7:00 p.m. of the same day.

7. Voting To Be By Secret Ballot --- In all elections held in said City on any subject which may, by law, be submitted to vote of the people, and for all or any municipal officers, the voting shall be by secret official ballots printed and distributed as hereinafter provided, and no ballot shall be received or counted in any election to which this act applied except it be provided as herein prescribed.

8. Ballots, How Prepared --- The City Commission of said City shall cause to be printed on the ballot to be used at such elections, the names of all candidates who have properly filed a qualifying petition and complied with all procedures and possess the qualifications as set forth in the City Charter.

9. Petitions --- The City Commission shall cause to be preserved in their office or some other safe place all petitions of nominations filed therein under provisions of the City Charter and of this act, for six (6) months after the election for which such nominations are made.

10. Ballots --- The ballots printed in accordance with the provisions of this act shall contain the names of all candidates nominated as hereinbefore provided who have not declined. The names of all candidates for the same office shall be printed together, irrespective of party. But the order in which the titles to the several offices to be filled shall be arranged upon the ballots, shall be left to the discretion of the City Commission charged with printing of said ballots.

11. Public Measures To Be Voted On --- Whenever a public measure is submitted to a vote of the people, the substance of such public measure shall be twice in the same language indicated upon the ballot followed in one case by the word "yes"; and in the other by the word "no".

12. Form Of Ballot --- All ballots provided by the said City Commission for an election shall be alike, printed in plain type, in straight lines, upon plain white paper so thick that the printing cannot be distinguished from the back, with a slender line between each name and extending sufficiently to the left of the names to permit marking after each name a cross mark (X), and in the appropriate place, the words "vote for one" (or two, or other number, as the case may be) to indicate the number which may be elected to each office, and shall be substantially in the following form, except the order in which the several officers are stated, namely:

Official ballot, City of Springfield in Bay
County, Florida. Municipal election, September _____,
1952. Mark a cross mark (X) before the name of
your choice.

Vote for one:

FOR MAYOR:

Henry Fisher

William Jones

John Smith

Vote for five:

FOR COMMISSIONS

William King

Thomas Moore

Robert Jacks

James Moses

George Simms

Roy Fielding

Carl O'Brien

(Print substance of public measure) -- Yes
(Print substance of public measure) -- No

13. Requirements of Ballot --- All ballots for use in each election, shall be fastened together in convenient numbers, in books or blocks, in such manner that each ballot may be detached and removed separately. Each ballot shall have attached to it a stub with perforated lines of sufficient size to enable one of the Inspectors to write or stamp his name or initials thereon, and so attached to the ballot that when the same is folded, the stub can be detached therefrom without injury to the ballot or exposing the contents thereof.

14. Number of Ballots at Polling Places --- There shall be provided for each voting place, at least one hundred (100) ballots for each seventy five (75) registered electors at said polling place.

15. No Person Allowed Within Fifteen (15) Feet of Polling Place --- No person shall be permitted, under any pretext whatever, to come within fifteen (15) feet of any door or window of any polling room from the

opening of the poll until the completion of the count of the ballots and certificates of the returns except as herein provided.

16. Cards of Instruction --- The City Commission shall cause to be printed in large type on cards, instructions for the guidance of electors in preparing their ballots. They shall furnish to the Inspectors twelve or more, if necessary, such cards for each election district, and it shall be the duty of the Inspectors to post one of such cards in each booth or compartment for the preparation of ballots, and not less than three in prominent places elsewhere and outside of the polling place the day of election. Said cards shall be printed in large, clear type, and shall contain full instructions to electors as to what should be done. First, to obtain ballots for voting; second, to prepare the ballot for deposit in the ballot box; third, to obtain a new ballot in place of the one accidentally spoiled.

17. Destruction of or Defacing Booths --- Any person who wilfully, during or before an election, removes, tears down or destroys or defaces any booth or compartment, or any convenience provided for the purpose of enabling the elector to prepare his ballot, or any card printed for the instruction of electors, shall be guilty of a misdemeanor, and upon conviction thereof, shall be fined not less than ten nor more than five hundred dollars.

18. Who Permitted to Approach Polling Rooms --- Except as electors are admitted, one at a time, to vote, and except one city policeman by permission of the Inspectors, and the Inspectors and Clerks of Election, and as many electors as there may be booths or compartments, no person shall be permitted within fifteen feet of the polling room.

19. Challenge of Vote --- When the right to vote of any person who demands to be permitted to vote is questioned by an elector, the said challenge shall be communicated to the Inspectors before the person is permitted to vote by the officer or person in attendance and in charge of admission to the polling place, when his right to vote must be determined as required by law.

20. Time of Occupancy of Booth --- No elector while receiving, preparing and casting his ballot, shall occupy a booth or compartment for a longer time than five minutes. No such elector shall be allowed to occupy a booth or compartment already occupied by another, nor to speak or converse with any one, except as herein provided, while in the polling place.

21. Withdrawal From Polling Place --- After having voted, or declined or failed to vote, within five minutes, the elector shall immediately withdraw from the polling place and go beyond the prohibited distance, and shall not enter the polling place again.

22. Ballot Given to Elector --- Each elector upon entering the polling room shall be given one ballot by the inspector. Before delivering the ballot to the elector, at least one of the inspectors shall write or stamp, or shall have already stamped or written or printed, his initials or name on the stub attached to the ballot. On receiving the ballot the elector shall forthwith, and without leaving the polling room, retire alone to one of the booths, or compartments provided for that purpose, and there prepare his ballot by marking with pen and ink or pencil, in the appropriate margin or place, a cross mark (X) before the name of the candidate of his choice for each office to be filled, or by filling in the name of the candidate of his choice in the blank space provided therefor, and marking a cross mark (X) in the appropriate margin, and likewise by marking a cross mark (X) before the answer he desires, in case of any public measures submitted to the vote of the people.

23. Blind or Illiterate Electors --- Any elector applying to vote who, by reason of blindness or the loss of the use of his hand or hands or his illiteracy (unable to read), is unable to prepare his ballot, may have the assistance of the Inspectors, as provided in the preceding section, in the preparation of his ballot, who shall retire to a booth or compartment and there prepare the elector's ballot, so as to indicate the elector's declared choice of candidates as to each office to be filled, without suggestion or interference from the Inspectors. But in all cases, any elector before retiring to the booth, may have one of the

Clerks of Election read over to him the titles of the offices to be filled and the candidates therefor.

24. Same; Other Electors to Withdraw --- Before any elector applying for assistance in the preparation of his ballot, as provided for in section 334, shall be required or permitted to declare his choice of candidates, all electors, including those in the booths or compartments, after voting shall be required to withdraw from the voting place.

25. False Declarations --- Any person making a false declaration, under the provisions of section 22 shall be guilty of felony, and on conviction thereof, shall be imprisoned in the penitentiary not less than one nor more than five years.

26. Penalty for Deceiving Elector --- Any Inspector who shall wilfully deceive any elector in preparing his ballot shall be guilty of a felony, and on conviction thereof, shall be imprisoned in the penitentiary not less than one nor more than five years.

27. Penalty for Disclosing How Elector Votes --- Any Inspector who shall disclose how any elector may have voted, unless upon the trial of an indictment in a Court of competent jurisdiction may be so required, shall be guilty of a misdemeanor, and, upon conviction thereof, shall be fined not less than ten nor more than one hundred dollars.

28. Spoiled Ballots --- Any elector who shall, by accident or mistake, spoil a ballot so that he cannot conveniently or safely vote the same, may return it to the Inspectors, who shall immediately detach the stub and destroy without examination the ballot so returned, and shall give to the elector another ballot in lieu thereof, but in no case shall an elector be furnished with more than three ballots. In no case shall any person be permitted to carry a ballot outside of the polling room. A record shall be kept by the Clerk of Election of all ballots destroyed, as herein provided for.

29. Depositing Ballots in Box --- After preparing his ballot the elector shall fold the same so as to conceal the face thereof and show the stub thereto attached, with the name or initials of the inspector, and hand it to the receiving inspector, who shall detach the stub therefrom and return the ballot to the elector, who shall deposit the ballot in the box in the presence of the inspectors. All stubs detached from ballots, as provided for in this section, shall be numbered consecutively and filed by the inspectors.

30. Improperly-Marked Ballots --- If the elector marks more names than there are persons to be elected to an office, or if for any reason it is impossible to determine the elector's choice for any office to be filled, his ballot shall not be counted for such office, but this shall not vitiate the ballot so far as properly marked, and nothing herein shall be construed to prevent any elector from voting for any qualified person other than those whose names are printed on the ballot.

31. Penalty for Removing Ballot, etc --- Any elector who shall, except as herein provided, allow his ballot to be seen by any person, or who shall take or remove, or attempt to remove, any ballot from the polling place before the close of the polls, or place any mark upon his ballot by which it may be identified, or any person who shall interfere with any elector when inside the polling place, or when marking his ballot, or unduly influence, or attempt to unduly influence any elector in the preparation of his ballot, or any elector who shall remain longer than the specified time allowed by this act in the booth or compartment, after being notified that his time has expired, or who shall endeavor to induce any elector to show how he marks, or has marked, his ballot, or aids, or attempts to aid, any elector by means of any mechanical device, or any other means whatever in marking his ballot, or shall print or procure to be printed, or have in his possession any copy of the ballot prepared to be voted, shall be guilty of a misdemeanor, and, on conviction, shall be fined not less than ten nor more than one hundred dollars, and any ballot marked by the elector for identification shall be rejected.

32. Officers Failing to Perform Duty --- Any officer who wilfully and knowingly refuses or fails to perform the duties herein prescribed shall be guilty of a misdemeanor, and, upon conviction thereof, shall be fined not less than one hundred nor more than one thousand dollars. But this section shall not be held to apply to cases where a different penalty is prescribed by this act.

33. Officers Failing to Perform Duty After Being Sworn In --- Any officer or officers, after being sworn in, who wilfully and knowingly neglect, fail or refuse to perform the duties herein prescribed, shall be guilty of a misdemeanor except as herein otherwise provided, and, on conviction, shall be fined not less than fifty nor more than two hundred dollars, or by imprisonment not less than sixty days nor more than six months.

34. Duties of Inspectors and Clerks --- When any person shall have voted, his name shall be checked on the margin of the page opposite thereto upon the registration list by one of the inspectors, and the clerk of the election shall keep a poll list, which shall contain one column headed "names of voters," and the name of each elector voting shall be entered by the clerk in such column as he votes. And the inspectors of election shall have the authority and power to prevent all repeating, and to prevent any person from voting a second time at the same election, when they have good reason to believe such person has already voted. They shall have full power to refuse to allow any person to vote who is not a qualified elector, or who has become disqualified for any cause to vote in such election district. They may also prevent any elector from consuming more time than five minutes in voting. But no inspector shall examine, read or handle the ballot being voted, or about to be voted by any elector, otherwise than as herein provided. The inspectors shall possess full authority to maintain good order at the polls, and to enforce obedience to their lawful commands during an election, and during the canvass and estimate of the votes. There shall be at each polling place in each election district a police officer to be designated by the City Commission, who shall be required to be present during the whole time that the polls are kept open and until the election

is completed, who shall be subject to all the lawful demands of the inspectors, and who shall see that there is no interruption of good order. Such police officer shall have power, when necessary, to maintain the peace and good order at the polls. Any person when summoned or called upon by such police officer, who shall fail or refuse to assist him in maintaining the peace and good order at the polls, shall be deemed guilty of a misdemeanor, and, on conviction thereof, shall be fined in a sum not to exceed two hundred and fifty dollars, or be imprisoned in the county jail not to exceed six months. If any person shall refuse to obey any lawful order of the inspectors, or by disorderly conduct in their presence or hearing shall interrupt or disturb their proceedings, such inspectors may command such police officer or other person present to take such disorderly person into custody and to confine him during the election and canvass; and it shall be the duty of such police officer or other person to obey said order. Any police officer or other person who shall wilfully neglect or refuse to perform any duty imposed on him by this act, at the time or within the time herein specified, shall be deemed guilty of a misdemeanor, and, on conviction thereof, shall be punished by a fine of not more than five hundred dollars, or by imprisonment in the county jail not more than six months, or by both such fine and imprisonment; Provided, however, that no sheriff, deputy sheriff, policeman or other officer shall be allowed to come within the polling places unless summoned into the same by a majority of the inspectors. On the failure of any sheriff, deputy sheriff, policeman or other officer to comply with the provisions of this section, it shall be the duty of the inspectors of election, or one of them to make affidavit against such sheriff, deputy sheriff, policeman or other officer for his arrest.

35. Count of Ballots --- At the close of the election of each polling place in each election district the inspectors and clerks shall immediately proceed to open the ballot box and count the ballots therein, and continue such count without adjournment or interruption until the same is completed. If two or more ballots shall be folded together so as to prevent the appearance of a single ballot, they shall be laid aside until the count of the ballots is completed, and if, upon comparison

of the count, and the appearance of such ballots, a majority of the inspectors shall be of the opinion that the ballots thus folded together were voted by one person, such ballots shall be destroyed.

36. Result of Election --- The canvass being completed, the result shall be publicly proclaimed. Duplicate certificates of the result of such election shall be drawn up by the inspectors or clerk which shall contain in words written at full length the name of each person voted for each office, and the number of votes cast for each person for such office, and if any question shall be submitted to an election, such certificate shall also contain the number of votes cast for and against such question, which certificates shall be signed by the inspectors and clerks, and one of such certificates shall be, by one of the inspectors, delivered without delay, securely sealed, to the chairman of the City Commission, and the other to the Recorder of said city, and the poll list and oaths of the inspectors and clerks, together with all ballot boxes, ballots, ballot stubs, memoranda and papers of all kinds used by the inspectors and clerks in conducting such election, shall also be transmitted, sealed up by the inspectors, with certificates of the result of the election, to the chairman of the City Commission, to be filed in the office of said City Commission.

37. City Commission to Canvass Vote --- On the day following any election, it shall be the duty of the said City Commission to meet at their office and publicly proceed to canvass the vote given for the several offices and persons as shown by the returns; such canvass shall be made solely, exclusively and entirely from the returns of the certificates of the inspectors, as signed and filed by them, and in no case shall the City Commission change or vary in any manner the number of votes cast for the candidates, respectively, at any polling place, as shown by the returns of the inspectors of such polling places. They shall compile the results of the election, as shown by said inspectors' returns, and then make up and sign duplicate certificates containing in words and figures, written at full length, the whole number of votes given for each office, the names of the persons for whom such votes were given for such office, and the number of votes given for each person for such

office. One of such certificates shall be furnished to the City Recorder, and the same shall be recorded by him in a book to be kept by him for that purpose, which book shall be furnished by the City Commission and shall be labeled "Record of Election Returns." Should any member or members of said City Commission, or the said City Recorder, wilfully violate any of the requirements of this section, he shall be deemed guilty of felony, and, on conviction, shall be punished in accordance with the laws of the State of Florida.

38. Certificate of Election --- In case any city officer shall be elected at any election, the chairman of the City Commission shall give to the person who shall be elected a certificate of his election, and the City Recorder shall give to any person desiring a copy of such returns from the record a certified copy thereof, or of such part thereof as may be desired, upon the payment to him of the customary fees for copying and certifying papers in the office of the Clerk of the Circuit Court.

39. The Number of Votes Required to Elect; Tie Vote --- The person who shall receive the highest number of votes cast for one office shall be elected to such office. In the election of Commissioners, in the event the City is not divided into wards, the five persons receiving the highest number of votes shall be elected to such office. In case two or more persons shall receive an equal and the highest number of votes for the same office, the City Commission elected at such election shall require that a special run off election be called within twenty days between the two tying candidates. The person receiving the highest number of votes at this run off election shall be elected to such office. Any vacancy in city offices between elections shall be filled in accordance with law.

40. Commission to Print Blanks, Laws, etc. --- The City Commission is hereby required to cause to be prepared all proper blanks and forms to be used in the election and the returns, and certificates, conformable to the provisions of this chapter; and shall also have printed a sufficient number of copies of the law regulating elections in said City of Springfield in Bay County, Florida to supply the several polling

places in each election district in said city, and transmit the same with the forms aforesaid to the inspectors of election at each polling place at each election district in said city, with a sufficient number of such forms and copies for use of such inspectors at the election.

41. Expense of Election --- All expenses necessarily incurred in connection with the holding of any election shall be audited by the City Commission and then paid by the City Treasurer.

42. Promises Prohibited --- It shall be unlawful for any candidate for office, or any officer of said city, directly, or indirectly, to give or promise any person or persons any office, position, employment, benefit, or anything of value for the purpose of influencing or obtaining the political support, aid or vote of any person or persons.

43. Voter to Call Himself By Name Under Which Registered --- No registered voter shall call himself or pass by any other name than the name by which he is registered, nor shall any person offer to, or vote in the name of any other person. Nothing in this section shall prevent the alteration of names by the Circuit Court, as provided by law and when the name of anyone is changed by the order of said Court, he shall notify the Registration Officer of the municipality of the fact that his name has been changed. Anyone violating this section shall be punished by imprisonment in accordance with the laws of the State of Florida.

44. Removing Ballots, etc.; Penalty --- Any elector who shall take or remove, or attempt to take or remove, any ballot from the polling place before the closing of the polls, or any person who shall interfere with any elector when inside of the polling place or when marking his ballot, or any elector who aids or attempts to aid any elector by means of any mechanical device whatever in marking his ballot, shall be punished by imprisonment in accordance with the law of the State of Florida.

45. False Oath --- Whoever shall wilfully and corruptly make any False oath, affidavit or sworn statement provided for in law relating to primary elections shall suffer the pains and penalties of perjury.

46. Forfeiture of Nomination --- Any candidate who shall wilfully violate any provision of this Act shall, in addition to any punishment prescribed by law, forfeit any nomination he may have received at the primary election in reference to which such crime or offense is committed.

47. Registration Officer Permitting Person Not Entitled to Register -- Any Registration Officer who permits or assists any person to register who is not lawfully entitled to register shall be deemed guilty of a misdemeanor and shall upon conviction thereof be fined in a sum of not less than one hundred nor more than five hundred dollars, or by imprisonment in the county jail of not less than three or more than twelve months.


48. The holding invalid of any portion of this ordinance by a Court of competent jurisdiction shall in no wise effect the validity of the remaining portion hereof.

49. Any ordinance, ordinances, part or parts of any ordinance or ordinances in conflict with this ordinance are hereby repealed.


PASSED THIS 17th DAY OF MARCH, A. D. 1952, IN RECESSED SESSION AT
CITY OF SPRINGFIELD IN BAY COUNTY, FLORIDA.

ATTEST:


City Clerk


Mayor

EXAMINED AND APPROVED by me this 17 day of March, A. D. 1952.


Mayor