

REVISED

DRAFT 7/21/09

ORDINANCE NO.

AN ORDINANCE PROVIDING FOR THE CALLING OF AN ELECTION TO PRESENT TO THE VOTERS AN AMENDMENT TO SECTION 5.05(f) OF THE ST. PETERSBURG CITY CHARTER PROVIDING FOR THE CALLING OF A SPECIAL MUNICIPAL ELECTION TO BE HELD ON NOVEMBER 3, 2009, TO BE HELD AS PART OF THE CITY OF ST PETERSBURG'S CITYWIDE GENERAL ELECTION TO PRESENT THIS CHARTER AMENDMENT TO THE VOTERS; PROVIDING THAT WHEN A CHARTER REQUIREMENT CONCERNING ELECTIONS IS IN CONFLICT WITH A REQUIREMENT OF THE PINELLAS COUNTY SUPERVISOR OF ELECTIONS, WHICH REQUIREMENT IS BASED ON THE SUPERVISORS INABILITY TO SUPPORT AND CONDUCT AN ELECTION, THIS CHARTER MAY BE AMENDED BY ORDINANCE INSTEAD OF REFERENDUM, TO COMPLY WITH SUPERVISORS REQUIREMENT; PROVIDING FOR THE FORM OF THE TITLE AND THE QUESTION TO APPEAR ON THE BALLOT; MAKING FINDINGS; AND PROVIDING AN EFFECTIVE DATE.

THE CITY OF ST. PETERSBURG DOES ORDAIN:

SECTION 1. That the City Council of the City of St. Petersburg hereby makes the following findings:

1. The Pinellas County Supervisor of Elections conducts City elections for the City.
2. There are occasions that because of internal workload or other considerations internal to the Supervisor of Elections that that office cannot accommodate the City's normal election schedule.
3. There are already provisions in state law and this charter that can be interpreted to allow the City to accommodate such requirements by ordinance.
4. That because state law changes from time to time, it would be prudent to establish a clear procedure in the Charter to accomplish these changes by ordinance.

SECTION 2. A special election will be held as part of the Citywide Primary Election to be held on November 3, 2009, and the question and title as delineated in Sections 5 and 6 of this ordinance shall be placed on the ballot of said election.

SECTION 3. Section 5.05 (f) of the City Charter is hereby amended to read as follows:

(f) Whenever any State or Federal law or requirement conflicts with any provision of this Charter relating to the process or procedures for the conduct of elections, including but not limited to qualifying candidates, election campaigns, canvassing returns, or any other aspect of the election process, this Charter may be amended by ordinance, instead of referendum, to comply with the State or Federal law or requirement. When a Charter requirement concerning election dates or qualifying dates for elections is in conflict with a requirement of the Pinellas County Supervisor of Elections, which requirement is based on the Supervisor's inability to support and conduct an election as described in this Charter, this Charter may be amended by ordinance instead of referendum, to comply with Supervisor's requirement.

SECTION 4. That words in Section 3 of this ordinance that are in underlined type are additions to the existing St. Petersburg City Charter and words in ~~struck-through~~ type are deletions.

SECTION 5. The ballot question provided for in Section 2 of this ordinance shall appear on the ballot in the following form:

Shall the Charter be amended to clarify that a City Ordinance, rather than referendum, may be used to change the election dates and qualifying dates when required by limitations of the Pinellas County Supervisor of Elections which prevent the Supervisor of Elections from supporting and conducting the election in the manner prescribed by the City Charter?

SECTION 6. The title of the ballot question provided for in Section 2 of this Ordinance shall appear on the ballot in the following form:

Charter amendment permitting Charter changes by ordinance when required by the Supervisor of Elections limitations.

SECTION 7. In the event this ordinance is not vetoed by the Mayor in accordance with the City Charter, Sections 1, 2 and 4 through 9 shall become effective upon the expiration of the fifth business day after adoption unless the Mayor notifies the City Council through written notice filed with the City Clerk that the Mayor will not veto the ordinance, in which case Sections 1, 2 and 4 through 9 shall become effective immediately upon filing such written notice with the City Clerk. In the event this ordinance is vetoed by the Mayor in accordance with the City Charter, Sections 1, 2 and 4 through 9 shall not become effective unless and until the City Council overrides the veto in accordance with the City Charter,

SECTION 8. That the Charter amendment contained in Section 3 of this Ordinance shall become effective only upon approval of the ballot question contained in Section 5 of this Ordinance by a majority of the qualified electors voting on said question at said election.

SECTION 9. The provisions of this Ordinance shall be deemed severable. The unconstitutionality or invalidity of any word, sentence or portion of this ordinance shall not affect the validity of the remaining portions.

Approved as to form and content:

City Attorney (designee)