ORDINANCE 32 - 26

AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF THE CITY OF CAPE CORAL, FLORIDA, AMENDING ORDINANCE 14-26, WHICH PROVIDED FOR A REFERENDUM TO CONSIDER THE ADOPTION OF AMENDMENTS TO SECTION 4.05, "CANDIDATE QUALIFICATIONS AND ELECTION," OF THE CITY OF CAPE CORAL, FLORIDA, CHARTER CONCERNING THE REQUIRED SUBMISSION OF PROOF OF RESIDENCY FOR CANDIDATES ELIGIBLE TO HOLD OFFICE OF MAYOR OR COUNCIL MEMBER, BY AMENDING THE REFERENDUM BALLOT TITLE; PROVIDING FOR PUBLICATION OF A NOTICE OF THE REFERENDUM ELECTION; PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, the Mayor and City Council adopted Ordinance 14-26 on March 26, 2026, providing for a referendum to consider the adoption of amendments to Section 4.05, "Candidate Qualification and Election," of the City of Cape Coral, Florida Charter concerning the required submission of proof of residency for candidates eligible to hold office of Mayor or Councilmember, and providing for publication of a notice of the primary referendum election; and

WHEREAS, the Mayor and City Council have determined that Ordinance 14-26 is to be amended to reduce the number of words for the referendum ballot title.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF CAPE CORAL, FLORIDA, AS FOLLOWS:

SECTION 1. A primary referendum election is hereby ordered to be held in the City of Cape Coral, Florida, on August 18, 2026, to consider the adoption of an amendment to the Charter for the City of Cape Coral, Florida.

SECTION 2. The polls will be open at the voting places on the date of such election and as otherwise determined by the Lee County Supervisor of Elections. All qualified electors residing within the City shall be entitled and permitted to vote at such election as hereinafter provided. The places of voting for the election are set by the Lee County Supervisor of Elections. The inspectors and clerks for said election shall be appointed as provided by general law.

SECTION 3. The ballots to be used in said election shall contain the description to be voted on, and shall be in substantially the following form:

OFFICIAL BALLOT
CITY OF CAPE CORAL, FLORIDA
ELECTION AUGUST 18, 2026

REFERENDUM

City Charter Amendment Relating to the Proof of Residency for Candidates Eligible to Hold Office.

This proposal amends the Cape Coral City Charter to require eligible candidates for the office of Mayor or Council member to submit a sworn statement identifying their permanent legal residency and domicile, affirming that the candidate meets the residency requirements of Section 4.02 of the City's Charter, and submission of two (2) documents establishing proof of residency pursuant to those acceptable documents set forth within new Section 4.05(c)(2) of the City's Charter.

Shall the above-described amendment to the Charter be adopted?

_____ YES _____ NO

SECTION 4. Provision shall be made for instruction to the voters all as provided by general law.

SECTION 5. Adequate provision shall be made for absentee voting. The ballots to be used in said election for absentee voters shall be in substantially the form set out above.

SECTION 6. The Lee County Supervisor of Elections is hereby requested to hold the election in accordance with the election laws of the State of Florida.

SECTION 7. The appropriate election officials, shall canvass the ballots and certify same to Lee County Supervisor of Elections and, in turn, shall certify the election results to the Mayor and City Council of the City of Cape Coral, Florida. The Mayor and City Council shall, in turn, canvass the votes and declare the results thereof and such returns shall be recorded in the minutes of the Mayor and City Council at the first meeting after such certification. If a majority of the votes cast at such election support a referendum issue, such issue shall be approved, and shall be effective immediately.

SECTION 8. The City Clerk is hereby authorized and directed to place a notice of this referendum election in a newspaper of general circulation published in Lee County. The publication shall be made at least thirty (30) days prior to the referendum and shall be made at least twice, once in the fifth week and once in the third week prior to the week in which the referendum is to be held. The notice of referendum shall be in substantially the following form:

CITY OF CAPE CORAL
NOTICE OF ELECTION
AUGUST 18, 2026

NOTICE IS HEREBY GIVEN THAT AN ELECTION will be held on the 18th day of August, 2026, in the City of Cape Coral, Florida, for the purpose of determining whether or not the voters support an amendment to the Charter for the City of Cape Coral.

The polls will open at the voting places on the date of said election at 7:00 a.m. until 7:00 p.m. on the same day. All qualified electors residing within the city shall be entitled, qualified and permitted to vote at such election.

SECTION 9. The full text of the proposed Charter amendment is set forth in the attached Exhibit A.

SECTION 10. Severability. In the event that any portion or Section of this ordinance is determined to be invalid, illegal or unconstitutional by a court of competent jurisdiction, such decision shall in no manner affect the remaining portions or Sections of this ordinance which shall remain in full force and effect.

SECTION 11. Effective Date. This ordinance shall become effective immediately after its adoption by the Cape Coral City Council.

ADOPTED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF CAPE CORAL, FLORIDA, AT THEIR REGULAR SESSION THIS _____ DAY OF _____, 2026.

_____
JOHN GUNTER, MAYOR

VOTE OF MAYOR AND COUNCILMEMBERS:

GUNTER	_____	LASTRA	_____
STEINKE	_____	KILRAINE	_____
LEHMANN	_____	LONG	_____
DONNELL	_____	KADUK	_____

ATTESTED TO AND FILED IN MY OFFICE THIS _____ DAY OF _____, 2026.

_____
KIMBERLY BRUNS
CITY CLERK

APPROVED AS TO FORM:

_____

ALEKSANDR BOKSNER
CITY ATTORNEY
ord/Amend Ordinance 14-26 Referendum Ballot Title

EXHIBIT A

§ 4.05. - Candidate qualifications and election.

(a) Any person eligible to hold the office of Mayor may have his or her name placed on the ballot as a candidate for Mayor of the City upon filing with the City Clerk ~~a sworn statement of qualification and~~ the payment of a one hundred and fifty dollar ($150) filing fee and submission of the required proof of residency, pursuant to subsection (c)

(b) Any person eligible to hold the office of Council member may have his or her name placed on the ballot as a candidate for Council member for the Council district in which he or she resides upon filing with the City Clerk ~~a sworn statement of qualifications and~~ the payment of a one hundred dollar ($100) filing fee and submission of the required proof of residency, pursuant to subsection (c). ~~Proof of residence shall be established by a valid voter's registration card.~~

(c) Proof of residency shall be established by submission of the following:

(1) All candidates shall submit a sworn statement at the time of qualifying that sets forth their place of permanent legal residency and domicile, which must affirm that they have satisfied the residency requirements mandated in §4.02. The sworn statement shall be on a form provided by the City Clerk.

(2) In addition to filing the sworn statement, a candidate must submit proof of residency through the submission of at least two (2) of the following documents: voter's registration, driver's license or Florida identification card issued by the Florida Department of Highway Safety and Motor Vehicles, property tax receipt, homestead exemption, utility bill, or lease agreement. The documentation must show the candidate has established permanent legal residency and domicile in the City, and in the District for which they are seeking office, pursuant to the residency requirements set forth in §4.02.

~~(c)~~(d) Should there be more than two qualifying candidates for Mayor or for a given Council district their names will be placed on the primary ballot. The two primary candidates receiving the highest number of votes shall be the candidates in the City General Election. The candidate receiving the highest number of votes in the City General Election shall be declared elected to the office for which he or she was a candidate. In the event there are fewer than three qualifying candidates for Mayor or for a given Council district their names will not appear on the primary election ballot but they will appear on the City General Election ballot.

~~(d)~~(e) If a vacancy in candidacy occurs caused by death, withdrawal, or removal from the ballot of a qualified candidate following the end of the qualifying period which leaves fewer than two candidates for an office, then the qualifying date shall be extended to the latest date for which the general election guidelines may be met. If the elections guidelines cannot be met then the remaining candidate shall be declared the winner.