ORDINANCE 13-26

AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF THE CITY OF CAPE CORAL, FLORIDA, PROVIDING FOR A REFERENDUM TO CONSIDER THE ADOPTION OF AMENDMENTS TO SECTION 4.02, "ELIGIBILITY," OF THE CITY OF CAPE CORAL, FLORIDA, CHARTER RELATING TO PERMANENT LEGAL RESIDENCY AND DOMICILE REQUIREMENTS FOR THE ELIGIBILITY OF CANDIDATES FOR COUNCIL MEMBER OR MAYOR; PROVIDING FOR PUBLICATION OF A NOTICE OF THE REFERENDUM ELECTION; PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

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 ELIGIBILITY REQUIREMENTS OF CANDIDATES FOR COUNCIL MEMBER OR MAYOR.

This proposal amends the Cape Coral City Charter to require any Council member candidate be a continuous permanent resident of the District for the entire calendar year immediately preceding their qualification for office, excluding candidates impacted by Section 4.04 of the City Charter, and establishing procedures for complying with the "residency" requirement for a candidate's permanent legal residency and domicile within the District and City pursuant to the submission of a sworn statement.

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 City Council shall, in turn, canvass the votes and declare the results thereof and such returns shall be recorded in the minutes of the 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
rod/Charter Amendment- Eligibility

EXHIBIT A

§ 4.02. Eligibility.

Only qualified electors of the City, who have been continuous full time residents of the City for the entire calendar year immediately preceding their qualification for office, as provided in Section 4.05, shall be eligible to hold the office of Council member or Mayor. A candidate for Council member must have been a continuous permanent resident of the District for which they are seeking office for an entire calendar year immediately preceding their official qualification for office. Notwithstanding the foregoing provision requiring continuous permanent residency in a District, such provision shall not apply to a candidate(s) of a District that was subject to District modifications pursuant to Section 4.04 of the City's Charter. The "Residency" of the candidate's permanent address and domicile must be established pursuant to a sworn statement signed under oath before an official authorized to take affidavits, which sworn statement shall contain a declaration that the candidate is a bonafide resident of the District and City, and shall set forth therein his or her place of permanent legal residency and domicile within the City.