

TOWN OF PALM BEACH

Information for Town Council Meeting on: June 11, 2019

To: Mayor and Town Council

Via: Kirk W. Blouin, Town Manager

From: Kathleen Dominguez, Town Clerk

Re: 2020 Election Date Change Due to Presidential Preference Primary

Date: May 30, 2019

STAFF RECOMMENDATION

The purpose of this memorandum is to inform you of the necessity to change the Town's General Election date in 2020 to be held in conjunction with the Presidential Preference Primary election. Upon review of the information provided, staff is seeking direction on modifying our election ordinances to accommodate this once-in-every-four-years Election Day schedule change.

GENERAL INFORMATION

History

In 2015, the Town Council was faced with a similar decision to move its February election date to March in order to be concurrent with the 2016 presidential preference primary (PPP) election. There were multiple discussions about conducting a standalone election in February. However, this proved to be a costly and challenging endeavor as staff was unable to find an independent firm to tabulate the Town's ballot results.

Additionally, a discussion took place at a regular meeting on October 13, 2015, among the Council Members and the former Palm Beach County Elections Supervisor, Susan Bucher, (SOE) about using the County's resources to assist the Town's standalone election. During that discussion, Ms. Bucher informed the Council of the multiple challenges a standalone election would present to the County SOE the month before a statewide election. As a result, the Town Council adopted Ordinance 28-2015 (Exhibit A), adding Article IV to Chapter 34 of the Town's Code, which allowed the Town to change the Caucus, Qualifying Period and election dates (by ordinance) to be uniform with PPP election years. The Town Caucus was held on December 3, 2015 and the Town's general election was held on March 15, 2016.

Subsequent to the passage of Ordinance No. 28-2015, another ordinance was adopted in 2017 (Ordinance No. 22-2017 - Exhibit B) when the Town decided to move its general election date from the first Tuesday in February to the second Tuesday in March to be uniform with the County's municipal elections. This ordinance also rescinded and repealed Ordinance 28-2015 by removing Article IV from Chapter 34 of the Town's Election Code. For this reason, staff is seeking direction

on adding that language back to the Town's election ordinances in preparation for the Town's general election in 2020.

Election Dates

F.S. 103.101 (1) states that the presidential preference primary (PPP) shall be held on the third Tuesday in March of each presidential election year. The State's Division of Elections website has published the date of the 2020 PPP for **Tuesday, March 17th** and the **Runoff for Tuesday, March 31st**.

The Palm Beach County Supervisor of Elections Office has advised that the Uniform Municipal Election date shall take place on the same date as a Presidential Preference Primary and the ballot language due date is **Friday, December 13, 2019**.

The dates listed above conflict with the following election procedures provided in the Town's Charter and Code of Ordinances:

Section 5.01 of the Town's Charter states that General Elections shall be held on the second Tuesday in March of each year.

Section 5.03 provides that "Candidates for the office of Mayor and Town Council shall qualify for offices by:

- a. being nominated by an elector of the Town, and seconded by not more than three (3) electors, at the Town Caucus to be held on the second Tuesday of January each year.
- b. being endorsed by petition signed by at least twenty-five (25) electors, filed with the Town Clerk no later than 5:00 p.m. on the day following the Town Caucus.

Section 3.01 of the Town's Charter provides that the Town Council shall, on the third Tuesday of March of each year, elect one of its members as President and another as President Pro Tem for the ensuing year.

Town Caucus Date, Qualifying Period and Resolution Calling the Election

Staff recommends moving up the Town Caucus date to **December 3, 2019** with the qualifying date ending the Wednesday after the Caucus. If the Town Council wishes to move the Caucus date up to December, staff recommends that the resolution announcing the ballot language be placed on the agenda for the regular Town Council meeting following the Caucus, which is **Tuesday, December 10, 2019**. This will remove the need to call a Special Town Council Meeting and gives staff enough time to meet the County's deadline for submitting the approved ballot language.

Election of President and Pro Tem

Staff also recommends adopting an ordinance modifying the date for electing a President and President Pro Tem from the third Tuesday in March to occur at the regular Town Council meeting or by a Special Town Council Meeting following the general election. Additionally, if there is no opposition to the Town Council candidates during the 2020 general election, then the Town Council may elect a President and President Pro Tem during their regular meeting in March 2020.

Other Considerations

There is a statutory provision (F.S. 101.75) that allows municipalities to change their election and qualifying dates (for cause) by ordinance so no referendum is required to change the election date or qualifying periods set forth in the Town Charter. Consideration should be given to the fact that the necessity to move the general election and caucus dates will occur every four years. Because of this, I recommend that the Town Council consider the possibility of permanently changing the Caucus Date and Qualifying Period from January to December as opposed to PPP election years only. I also recommend a modification to the ordinance regarding the dates for electing the President and President Pro Tem in order to provide more flexibility.

cc: Jay Boodheshwar, Deputy Town Manager
John C. Randolph, Town Attorney