

**ORDINANCE NO. 21-2017**

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING THE TOWN'S CHARTER AT ARTICLE III, OFFICIALS, AT SECTION 3.03, TOWN COUNCIL: ELECTION AND TERMS, TO MODIFY THE TOWN'S ELECTION DATE TO THE SECOND TUESDAY IN MARCH OF EACH YEAR; FURTHER AMENDING ARTICLE V, QUALIFICATION AND ELECTIONS, AT SECTION 5.01, GENERAL ELECTIONS, TO PROVIDE THAT GENERAL ELECTIONS IN THE TOWN SHALL BE HELD ON THE SECOND TUESDAY OF MARCH OF EACH YEAR; FURTHER AMENDING SECTION 5.03, QUALIFICATIONS, SO AS TO PROVIDE THAT CANDIDATES FOR THE OFFICE OF MAYOR OR TOWN COUNCIL SHALL QUALIFY FOR SUCH OFFICES BY BEING NOMINATED BY AN ELECTOR OF THE TOWN AND SECONDED BY NOT MORE THAN THREE ELECTORS AT THE TOWN CAUCUS TO BE HELD ON THE SECOND TUESDAY OF JANUARY OF EACH YEAR; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; PROVIDING AN EFFECTIVE DATE.

WHEREAS, pursuant to Florida Statute Section 101.62(4)(a), the Supervision of Elections' office shall send a vote-by-mail ballot to each absent uniform services voter and to each overseas voter who has requested a vote-by-mail ballot no later than 45 days before each presidential preference primary election, primary election, and general election; and

WHEREAS, the Town's Charter provides that the Mayor and Town Council members shall be elected at the general election held on the first Tuesday after the first Monday of February in each year; and

WHEREAS, the Town's Charter further provides that candidates for the office of Mayor or Town Council shall qualify for such offices by (a) Being nominated by an elector of

the Town and seconded by at least two (2) electors at the Town Caucus to be held on the first Tuesday after the first Monday of January of each year and (b) Being endorsed by petition signed by at least twenty-five (25) electors filed with the Town Council no later than 5:00 p.m. on the day following the Town Caucus; and

WHEREAS, a conflict exists between the Town Charter and Florida Statute Section 101.62(4)(a) relating to municipal elections in that the Town's qualifying period and the election date, as presently prescribed, do not allow sufficient time for the ballot to be created and approved and sent to an overseas voter pursuant to Florida Statute Section 101.62(4)(a); and

WHEREAS, it is therefor required that the Town Charter be amended to modify the date of the qualification period for candidates and the date of general elections in the Town.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AS FOLLOWS:

Section 1. The Town Charter is hereby amended at Article III. Officials, Sections 3.01, 3.03 and 3.04, to read as follows:

"Section 3.01. Town Council: Composition.

There shall be a Town Council of five (5) members, who shall be electors of the Town, elected at large by the electors of the Town.

The Town Council shall, on the second Tuesday of March of each year, elect one of its members as President and another as President Pro Tem for the ensuing year. Unless there is a runoff election as provided in Section 5.05, in which event, the President and President Pro Tem

shall be elected at the first Town Council meeting following said runoff election.

Section 3.03. Town Council: Election and Terms. Two (2) Town Council members shall be elected at the general election held on the on the second Tuesday of March of each year, and three (3) Town Council members shall be elected at the general election to be held on the on the second Tuesday of March of each year, all in the manner provided in Article V of this Charter, and shall be elected for two-year terms.

Sec. 3.04. Mayor: Election and Term. The election of a Mayor, who shall be an elector of the Town, shall be held on the on the second Tuesday of March of each year, in the manner provided in Article V of this Charter. The Mayor shall be elected at large by the electors of the Town, and shall be elected for a two-year term.

Section 2. The Town Charter is hereby amended at Article V. Qualifications and Elections at Section 5.01 and Section 5.03 as follows:

Article V. Qualifications and Elections Sec. 5.01 – General Elections. General Elections shall be held on the second Tuesday in March of each year.

Sec. 5.03. Qualifications. Candidates for the office of Mayor or Town Council shall qualify for such 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 of each year; and
- (b) Being endorsed by petition signed by at least twenty-five (25) electors, filed with the Town Council no later than 5:00 p.m. on the day following the Town Caucus.”

Section 3. Severability.

If any provision of this Ordinance or the application thereof is held invalid, such invalidity shall not affect the other provisions or applications of this Ordinance which can be given effect without the invalid provisions or applications, and to this end the provisions of this Ordinance are hereby declared severable.

Section 4. Repeal of Ordinances in Conflict.

All other ordinances of the Town of Palm Beach, Florida, or parts thereof which conflict with this or any part of this Ordinance are hereby repealed.

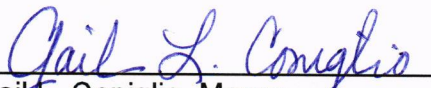
Section 5. Codification.

This Ordinance shall be codified and made a part of the official Code of Ordinances of the Town of Palm Beach.

Section 6. Effective Date.

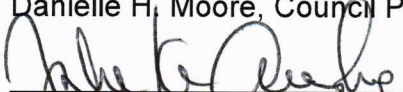
This Ordinance shall take effect immediately upon its passage and approval, as provided by law.

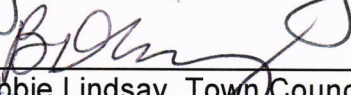
PASSED AND ADOPTED in a regular, adjourned session of the Town Council of the Town of Palm Beach on first reading this 12<sup>th</sup> day of July, 2017, and for second and final reading on this 9<sup>th</sup> day of August, 2017.

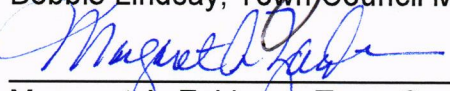
  
Gail L. Coniglio, Mayor

  
Richard M. Kleid, Town Council President

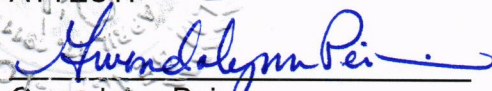
  
Danielle H. Moore, Council President Pro Tem

  
Julie K. Araskog, Town Council Member

  
Bobbie Lindsay, Town Council Member

  
Margaret A. Zeidman, Town Council Member

ATTEST:

  
Gwendolyn Peirce  
Acting Town Clerk

