ORDINANCE NO. 28-2015

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING THE TOWN CODE OF ORDINANCES AT CHAPTER 34, ELECTIONS, TO PROVIDE A NEW ARTICLE IV, MUNICIPAL ELECTION DATE AND ELECTION QUALIFYING PERIOD FOR YEARS WHEN THE TOWN HOLDS ITS MUNICIPAL ELECTIONS CONCURRENTLY WITH PRESIDENTIAL PREFERENCE PRIMARY ELECTIONS; PROVIDING FOR A RUN-OFF ELECTION IF NECESSARY; PROVIDING FOR AN ADJUSTMENT IN TERMS; DIRECTING THE TOWN CLERK TO TRANSMIT A CERTIFIED COPY OF THIS ORDINANCE TO THE PALM BEACH COUNTY SUPERVISOR OF ELECTIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR CODIFICATION; PROVIDING AN EFFECTIVE DATE.

WHEREAS, Article III, Sections 3.03 and 3.04, and Article V, Section 5.01, of the Town Charter sets the date for Town elections as the first Tuesday after the first Monday of each February; and

WHEREAS, Article V, Section 5.03 of the Town Charter sets the qualifying period for Town elections requiring candidates for the office of Mayor or Town Council to be nominated at a Town caucus to be held on the first Tuesday after the first Monday of January of each year and by being endorsed by petition signed by at least twenty-five electors filed with the Town Council no later than 5:00 p.m. on the day following the Town caucus; and

WHEREAS, Section 5.05 of the Town Charter provides for a run-off election to be held two weeks subsequent to the general election; and

WHEREAS, in 2016 the presidential preference primary election will fall on the third Tuesday in March; and

WHEREAS, in years of statewide or countywide presidential preference primary elections and beginning in 2016 the Town Council desires to move the Town's election date concurrent with the presidential preference primary elections; and

WHEREAS, holding the Town's election on a date concurrent with the presidential preference primary election requires the Town to adopt an ordinance that establishes a municipal election date, election qualifying period and run-off election date

for years when the Town holds its municipal elections concurrent with the presidential primary election; and

WHEREAS, Section 100.3605, 101.75 and 166.021, Florida Statutes, permit the Town to amend its Charter to change the date of its Town election and qualifying period by ordinance and without referendum; and

WHEREAS, the Town Council believes these amendments to the Code of Ordinances are in the best interests of the citizens of the Town of Palm Beach.

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

Section 1.   The facts and recitations contained in the preamble of this ordinance are adopted and incorporated by reference as if set forth in this section.

Section 2.   The Code of Ordinances of the Town of Palm Beach is hereby amended at Chapter 34, Elections, by adding a new Article IV to provide municipal election dates and qualifying periods for years with a presidential primary election; providing that said section shall hereafter read as follows:

CHAPTER 34

ELECTIONS

"Article IV.   Municipal election dates, qualifying periods and run-off election dates in years of statewide or countywide presidential preference primary elections.

Sec. 34-123. Elections and qualifying for presidential primary elections.

Section 101.75, Florida Statutes, delegates authority to the Town to move the date and qualifying period of any municipal election to a date concurrent with other state and countywide elections. Notwithstanding the sections of the Town Charter and Code of Ordinances regarding the date of general municipal elections, election qualifying periods and date of run-off elections, the Town shall hold its municipal elections concurrently with statewide presidential preference primary elections when those occur and adhere to the following municipal election date qualifying period and run-off election date in such instances:

A.   Beginning in 2016, the Town shall hold its municipal election concurrently with presidential preference primary elections.

(1)   For municipal elections that occur in 2016, candidates shall qualify for office by:

    (a)   Being nominated by a elector of the Town and seconded by at least two electors at the Town caucus to be held on December 3, 2015; and

    (b)   Being endorsed by petition signed by at least 25 electors filed with the Town Council no later than 5:00 p.m. on the day following the Town caucus.

(2)   The 2016 municipal election shall occur on March 15, 2016, and no candidate may take office until the election has concluded and the results have been certified.

(3)   If no person in a given race receives a majority of the votes cast, there shall be a runoff election, to be held on March 29, 2016, between the two (2) candidates receiving the largest number of votes cast in the general election.

B.   When a presidential preference primary election occurs in future years the Town shall set a concurrent election date, qualifying period and date of run-off election by separate ordinance.

C.   Terms of office of current council members and successful candidates shall be adjusted to be in concurrence with the dates referenced herein and shall be established by resolution adopted subsequent to the election."

Section 3.   The Town Clerk is directed to transmit a certified copy of this ordinance to the Office of the Palm Beach County Supervisor of Elections.

Section 4.   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 5.   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.
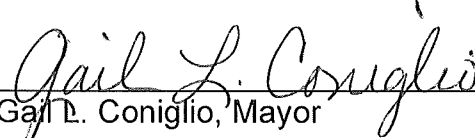
Section 6.   Codification.

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

Section 7.   Effective Date.

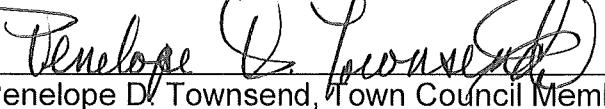This Ordinance shall take effect immediately upon its passage and approval, as provided by law.

PASSED AND ADOPTED in a regular, adjourned session of the Town Council of the Town of Palm Beach on first reading this 13th day of October, 2015, and for second and final reading on this 10th day of November, 2015.

Gail L. Coniglio, Mayor

Michael J. Pucillo, Town Council President

Richard M. Kleid, Council President Pro Tem

Danielle H. Moore, Town Council Member

Penelope D. Townsend, Town Council Member

ATTEST:

Susan A. Owens, MMC, Town Clerk

Robert N. Wildrick, Town Council Member

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