

## **ORDINANCE NO. 31-2019**

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING THE TOWN CHARTER AT SECTION 5.01, GENERAL ELECTIONS, TO PROVIDE THE MUNICIPAL ELECTION DATE CONCURRENT WITH A STATEWIDE OR COUNTYWIDE ELECTION, AND 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 SEVERABILITY; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR CODIFICATION; PROVIDING AN EFFECTIVE DATE.

WHEREAS, Article III, Sections 3.03, 3.04, and Article V, Section 5.01, of the Town Charter sets the date for Town elections as the second Tuesday in March of each year; 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 second Tuesday of January of each year and by being endorsed by petition signed by at least twenty-five electors filed with the Town Clerk 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, Article III, Section 34-116 of the Town Code of Ordinances provides that within three days after the expiration of the time for filing the required petitions, the town council shall meet and, by resolution, provide for the holding of an election and shall among other things, set forth the official form of ballot to be used in such election.

WHEREAS, 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, the Town Council desires to move the Town's general 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, qualifying period and meeting date to set forth the official form of ballot by resolution, 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 Town Charter of the Town of Palm Beach is hereby amended at Section 5.01, General Elections, and shall hereafter read as follows:

**“General Elections shall be held on the second Tuesday in March of each year, except during statewide or countywide elections in which case the general election shall be held concurrent with said statewide or countywide election.”**

Section 3. 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. When a presidential preference primary election year occurs, the Town shall by resolution, set a concurrent election date, qualifying period, date of meeting to declare the results of the Caucus, and date of run-off election, if any.
- B. 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 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 14<sup>th</sup> day of August, 2019, and for second and final reading on this 10<sup>th</sup> day of September, 2019.

Gail L. Coniglio  
Gail L. Coniglio, Mayor

Danielle H. Moore  
Danielle H. Moore, Town Council President

Margaret A. Zeidman  
Margaret A. Zeidman, Council President Pro Tem

Julie Araskog  
Julie Araskog, Town Council Member

Lewis S.W. Crampton  
Lewis S.W. Crampton, Town Council Member

Bobbie Lindsay  
Bobbie Lindsay, Town Council Member

ATTEST:

Kathleen Dominguez  
Kathleen Dominguez, Town Clerk