

**ORDINANCE NO. 018-2021**

**AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA AMENDING THE TOWN CHARTER AT SECTION 5.03, RELATING TO QUALIFICATIONS, TO MODIFY THE DATE TO QUALIFY FOR ELECTION TO THE FIRST TUESDAY OF DECEMBER OF EACH YEAR OR ON A DATE AT LEAST NINETY-FIVE (95) DAYS PRIOR TO THE MARCH ELECTION DATE, WHICHEVER COMES FIRST; FURTHER AMENDING THE TOWN CODE OF ORDINANCES AT CHAPTER 34, ELECTIONS AT ARTICLE II, CANDIDATE, DIVISION 2, CAUCUS, SECTION 34-56, CALLING AND NOTICE OF ELECTION TO BE CONSISTENT WITH SECTION 5.03 OF THE TOWN CHARTER, PROVIDING THAT THE DATE OF THE TOWN CAUCUS BE HELD ON THE FIRST TUESDAY OF DECEMBER OF EACH YEAR OR ON A DATE AT LEAST NINETY-FIVE (95) DAYS PRIOR TO THE MARCH ELECTION DATE, WHICHEVER COMES FIRST; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; PROVIDING FOR 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 second Tuesday in March each year; and

**WHEREAS**, the Town's Charter and the Town Code provide 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 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; and

**WHEREAS**, a conflict exists between the Town Charter, the Town Code 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 therefore required that the Town Charter and the Town Code 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 Section 5.03, Qualifications, to read as follows:

Section 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 first Tuesday of December of each year or on a date at least ninety-five (95) days prior to the March election date, whichever comes first.

(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 2.** Calling and Notice of Caucus. The Town Code of Ordinances is hereby amended at Article II, Officials, Section 34-56, to read as follows:

Sec. 34-56. - Calling and Notice of Caucus.

Each year the Town Clerk shall call a caucus of the qualified voters of the Town for the purpose of nominating candidates for Mayor and the Town Council. Such caucus shall be held as provided by section 5.03 of the Charter and shall be called by the Clerk publishing the following notice in a newspaper having a general circulation in the Town on the three (3) Mondays immediately preceding the Qualification Date:

Notice to the Qualified Voters of  
the Town of Palm Beach

You and each of you are hereby notified that a caucus of the qualified voters of the Town of Palm Beach, Florida, will be held in the town council chambers of the town hall at 7:00 p.m. on the first Tuesday of December, or \_\_\_\_\_ (date) (which is a date at least ninety-five (95) days prior to the election date), whichever comes first, for the purpose of nominating a Mayor and \_\_\_\_\_ Councilmembers, to be voted on at the general election to be held in the Town on the second Tuesday in March.

All qualified voters of the Town are entitled to be present and to place in nomination such candidates as they desire. For a nomination to be effective, it must be seconded by not more than three (3) electors and all nominations and seconds thereto may be made only by qualified voters of the Town.

Dated, \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

/s/ \_\_\_\_\_  
Town Clerk

All other sections of Section 34-56 shall remain unchanged.

**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.

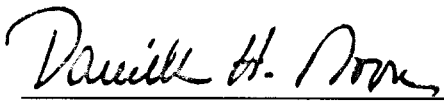
**Section 6. Codification.**

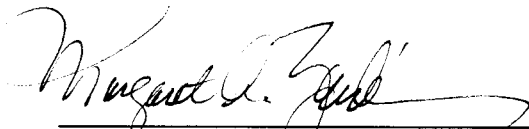
This Ordinance shall be codified and made a part of the official Code of Ordinances of the Town of Palm Beach.

**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 13<sup>th</sup> day of July, 2021, and for second and final reading on this 10<sup>th</sup> day of August, 2021.


  
\_\_\_\_\_  
Danielle H. Moore, Mayor

  
\_\_\_\_\_  
Margaret A. Zeidman, Town Council President

  
\_\_\_\_\_  
Bobbie Lindsay, Council President Pro Tem

  
\_\_\_\_\_  
Julie Araskog, Town Council Member

  
\_\_\_\_\_  
Edward A. Cooney, Town Council Member

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



\_\_\_\_\_  
Queenester Nieves, CMC  
Town Clerk