

## ORDINANCE NO. O-3-15

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF PALM BEACH SHORES, FLORIDA, AMENDING THE TOWN CODE OF ORDINANCES AT CHAPTER 22. ELECTIONS. BY CREATING AN ENTIRELY NEW SECTION 22-9. TO PROVIDE A MUNICIPAL ELECTION DATE, ELECTION QUALIFYING PERIOD, AND RUN-OFF ELECTION DATE FOR YEARS WHEN THE TOWN HOLDS ITS MUNICIPAL ELECTIONS CONCURRENTLY WITH PRESIDENTIAL PREFERENCE PRIMARY ELECTIONS; DIRECTING THE TOWN CLERK TO TRANSMIT A CERTIFIED COPY OF THIS ORDINANCE TO THE PALM BEACH COUNTY SUPERVISOR OF ELECTIONS; PROVIDING THAT EACH AND EVERY OTHER SECTION AND SUBSECTION OF CHAPTER 22. ELECTIONS. SHALL REMAIN IN FULL FORCE AND EFFECT AS PREVIOUSLY ADOPTED; PROVIDING A CONFLICTS CLAUSE, A SEVERABILITY CLAUSE AND AUTHORITY TO CODIFY; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

**WHEREAS**, Article III, Section 3.6 of the town charter sets the date for town elections as the second Tuesday in March of each year; and

**WHEREAS**, Chapter 22, Section 22-4 of the town code of ordinances sets the dates for qualifying for town elections as noon on the last Tuesday in January until noon on the second Tuesday in February; and

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

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

**WHEREAS**, holding the town's election on a date concurrent with statewide or countywide presidential preference primary elections requires the town to adopt an ordinance that establishes a municipal election date, election qualifying period, and run-off election date for years of statewide or countywide presidential preference primary election, and

**WHEREAS**, sections 100.3605, 101.75, and 166.021, *Florida Statutes*, permit the town to amend its code of ordinances to change the date of the municipal election and qualifying period by ordinance and without referendum, and

**WHEREAS**, the Town Commission believes these amendment to the code of ordinances is in the best interest of the citizens of the Town of Palm Beach Shores.

**NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COMMISSION OF THE  
TOWN OF PALM BEACH SHORES, PALM BEACH COUNTY, FLORIDA THAT**

**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 Shores, Florida, is hereby amended at Chapter 22. Elections. by creating an entirely new section 22-9, to provide municipal election dates and qualifying periods for years with a presidential preference primary election; providing that Section 22-9 shall hereafter read as follows:

**Sec. 22-9. Town election dates, qualifying periods, and run-off election dates for years of statewide or countywide presidential preference primary elections.**

Section 101.75, Florida Statutes, delegates authority to the town to move the date and qualifying period of any town election to a date concurrent with other statewide or countywide elections. Notwithstanding the sections of the town charter and code of ordinances regarding the municipal election date, election qualifying period, and date of runoff election, the town shall hold its town election concurrently with any statewide or countywide presidential preference primary elections when those occur, and adhere to the following town election date, qualifying period, and date of run-off election in such instances:

- (a) Beginning in 2016, the town shall hold its municipal election concurrently with presidential preference primary elections.
  - (1) For town elections that occur in 2016, the qualifying period shall begin at noon, November 20, 2015 and end at noon, December 4, 2015.
  - (2) The 2016 town election shall occur on March 15, 2016 and no candidate may take office until the election has concluded.
  - (3) If candidates for any town office in 2016 receive the highest and equal numbers of votes cast, the names of the tied candidates shall be placed on a ballot and voted on at a runoff election on March 29, 2016.
- (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.



**Section 3:** The town clerk is directed to transmit a certified copy of this ordinance to the Palm Beach County Supervisor of Elections.

**Section 4:** Each and every other section and subsection of Chapter 22. Elections, shall remain in full force and effect as previously adopted.

**Section 5:** All ordinances or parts of ordinances in conflict be and the same are hereby repealed.

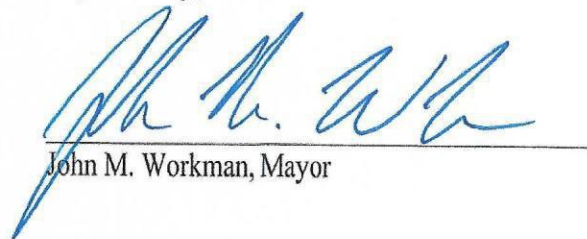
**Section 6:** Should any section or provision of this ordinance, any paragraph, sentence or word be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the remainder of this ordinance.

**Section 7:** Specific authority is granted to codify and incorporate this ordinance into the existing Code of Ordinances of the Town of Palm Beach Shores, Florida.

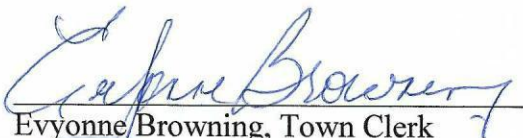
**Section 8:** This ordinance shall take effect immediately upon adoption.

**FIRST READING** this 20<sup>th</sup> day of April, 2015.

**SECOND AND FINAL READING** this 18<sup>th</sup> day of May, 2015.

  
John M. Workman, Mayor

ATTEST:

  
Evyonne Browning, Town Clerk  
(Seal)

Approved as to form and legal sufficiency

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Keith Davis, Town Attorney