

ORDINANCE NO. O-6-17

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF PALM BEACH SHORES, FLORIDA, AMENDING THE TOWN CODE OF ORDINANCES AT CHAPTER 22. ELECTIONS. TO ADJUST THE DATES FOR QUALIFYING FOR MUNICIPAL ELECTED OFFICE, AT THE REQUEST OF 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, Chapter 22 of the Town Code of Ordinances sets the dates for qualifying for town municipal elections from and including noon on the last Tuesday in January to and including noon on the second Tuesday in February, except for years when there is a presidential preference primary election in which case special qualifying dates are selected; and

WHEREAS, the Town of Palm Beach Shores has, as have other municipalities in Palm Beach County, been requested by the Palm Beach County Supervisor of Elections (SOE) to move its municipal election qualifying period to an earlier period that provides sufficient time for the SOE to send absentee ballots to overseas citizens; and

WHEREAS, the Town Commission has reviewed its qualifying period, the SOE request and additional information from the Town Clerk, and based on same, desires to adjust the qualifying period dates for the Town's municipal election; and

WHEREAS, moving the dates of the Town's qualifying period requires an amendment to Chapter 22 of the Town Code of Ordinances; and

WHEREAS, the Town Commission believes these amendments to its Code of Ordinances are in the best interests 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, 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: Chapter 22 of the Code of Ordinances of the Town of Palm Beach Shores, Florida, is hereby amended to adjust the dates for qualifying for municipal elected office, at the request of the Palm Beach County Supervisor of Elections; providing that Chapter 22, Elections, of the Code of Ordinances of the Town of Palm Beach Shores shall hereafter read as follows:

Chapter 22 – ELECTIONS

Sec. 22-1. - Town clerk to act as supervisor of local elections.

The town clerk shall act and have all the duties of the county supervisor of elections in matters pertaining to local elections in the town.

Sec. 22-2. - Qualifications of electors.

(a) Qualifications of electors shall be in accordance with the requirements of the federal and state laws now applicable or as amended or revised hereafter and which laws are hereby adopted by reference and made a part of this chapter.

(b) The same qualifications set forth in subsection (a) of this section shall apply to any person who wishes to register for any town election; provided such person is a permanent resident of the town.

Sec. 22-3. - Proclamation of election.

It shall be the duty of the mayor to issue his or her proclamation announcing every election, which proclamation shall be published at least once per week for two consecutive weeks prior to each election in a newspaper of general circulation in the town, and posted during such period of time on the bulletin board in the town hall.

Sec. 22-4. - Filing for candidacy.

Any qualified elector within the town may become a candidate for any office to be filled at any election by filing with the town clerk, a written notice that he or she intends to be a candidate for such office. This notice must be filed with the town clerk no earlier than noon on the first last Tuesday in December of the calendar year preceding the calendar year in which the election is to be held January, nor later than noon on the third second Tuesday in December February of the

calendar year preceding the calendar year in which the election is to be held. In the event that special circumstances require an adjustment to this qualifying period, the Town Commission may adjust same by ordinance, so long as any such adjustment allows the Town to still meet all deadlines from the Palm Beach County Supervisor of Elections for conducting the election. The names of all candidates and the offices for which they have filed shall be received by the Palm Beach County Supervisor of Elections from the town municipal clerk by 5:00 p.m. on the first Friday after the close of qualifying. Such written notice shall be stated on the following prescribed form:

Name of Candidate:

Filed for Office:

Age of Candidate:

Length of Residence:

- a. In the State of Florida:
- b. In the County of Palm Beach:
- c. In the Town of Palm Beach Shores:

Signature of Candidate:

This written notice, together with a written statement subscribed to by at least 15 persons registered to vote in town elections, certifying that such subscriber knows the candidate and believes such person to be a qualified candidate for the office of town commission, shall be filed within the dates and times referenced above.

Sec. 22-5. - Candidate vacancies.

(a) The term "vacancy" as used herein shall include a vacancy caused by death, disability, removal from the ballot of a qualified candidate and/or withdrawal of candidacy.

(b) Should there be a vacancy in the pool of qualified candidates following the end of the qualifying period, which leaves only one candidate for office, that candidate shall be deemed automatically elected. Should there be a vacancy in candidacy, as defined above, following the end of qualifying, which leaves no candidate for that particular office, the qualifying period shall be extended or reopened for an additional week in order that additional candidates might have the opportunity to file for office. This extension is conditioned on there being sufficient time to extend the qualifying period and still meet all deadlines from the Palm Beach County Supervisor of

Elections for conducting the election the deadline, as set forth in the Uniform Countywide Election Law; which deadline is noon on the second Tuesday in February of the calendar year in which the election is to be held. If there is not sufficient time to extend the qualifying period, the town commission shall cause to be held a special election for the purpose of filling the remaining seat(s) on the commission.

Sec. 22-6. - Canvassing board; method of voting.

The Town Clerk and Town Attorney of the Town of Palm Beach Shores, or their respective designees, along with the Palm Beach County Supervisor of Elections, or designee, shall canvass and certify any municipal election in the Town of Palm Beach Shores, pursuant to the requirements set forth in F.S. § 100.3605, Florida Statutes, and in conformance with any approved and effective agreement between the Town of Palm Beach Shores and the Palm Beach County Supervisor of Elections. Additionally, the town commission by resolution shall provide that one commissioner, which may include the mayor, whose position is either not scheduled to be voted upon or who is unopposed at the election being canvassed, shall also be made a member of the town canvassing board.

The method of voting shall be as prescribed by state law.

Sec. 22-7. - Election results; runoff elections.

Those candidates receiving the largest number of votes for the offices to be filled according to the certified results of the town commission shall become the elected mayor and town commissioners for the term for which elected. In the event of a tie vote between two or more candidates for mayor receiving the highest number of votes cast for that office, the names of all such tied candidates shall be placed on the ballot and shall be voted on at a runoff election, to be held on the fourth Tuesday in March of that calendar year. In the event of a tie vote between two candidates for town commission receiving the highest number of votes, both shall be deemed elected. In the event of a tie vote for the second highest vote total, the candidate receiving the highest vote total shall be deemed elected and the names of all such tied candidates shall be placed on the ballot and shall be voted on at a runoff election to be held on the fourth Tuesday in March of that calendar year. Such election shall be held in the same manner as the previous election.

Sec. 22-8. - Early voting exemption.

The town shall be exempt from the provisions of F.S. § 101.657, regarding early voting for municipal elections, as that section may be amended from time to time.

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

F.S. § 101.75, 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:

(1) Beginning in 2016, the town shall hold its municipal election concurrently with presidential preference primary elections.

a. For town elections that occur in 2016, the qualifying period shall begin at noon, November 20, 2015 and end at noon, December 4, 2015.

b. The 2016 town election shall occur on March 15, 2016 and no candidate may take office until the election has concluded.

c. 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.

(2) 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: Each and every other section and subsection of Chapter 22, Elections, of the Town Code of Ordinances shall remain in full force and effect as previously adopted.

Section 4: All ordinances and parts of ordinances in conflict with this ordinance are hereby repealed.

Section 5: 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.

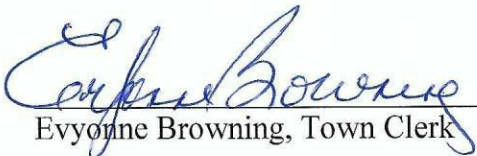
Section 6: Specific authority is granted to codify and incorporate this ordinance into the existing Code of Ordinances of the Town of Palm Beach Shores, Florida.

Section 7: This ordinance shall take effect immediately upon adoption.

FIRST READING the 17th day of July, 2017.

SECOND & FINAL READING this 21st day of August, 2017.

ATTEST:


Evyonne Browning, Town Clerk


Myra Koutzen, Mayor

Approved as to form and legal sufficiency,


Keith Davis, Town Attorney

(Seal)

