

## **ORDINANCE NO. O-7-21**

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF PALM BEACH SHORES, FLORIDA, AMENDING THE CODE OF ORDINANCES OF THE TOWN OF PALM BEACH SHORES AT CHAPTER 22. ELECTIONS. AT SECTION 22-6. CANVASSING BOARD; METHOD OF VOTING. TO CONFIRM THE TOWN CLERK'S AUTHORITY TO DELEGATE DUTIES TO THE PALM BEACH COUNTY SUPERVISOR OF ELECTIONS AS NECESSARY WITHOUT FURTHER AUTHORIZATION FROM THE TOWN COMMISSION AND TO DELEGATE ALL CANVASSING AND CERTIFICATION RESPONSIBILITIES TO THE COUNTY CANVASSING BOARD; 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**, Chapter 22, Section 22-6 of the Town of Palm Beach Shores ("Town") Code of Ordinances sets the sets the composition of the Town's canvassing board which currently includes members of Town staff as well as the Palm Beach County Supervisor of Elections ("SOE"); and

**WHEREAS**, the SOE has recently provided guidance to the Town of Palm Beach Shores, as well as other municipalities in Palm Beach County, that if the Town continues to canvass its stand-alone municipal elections, the SOE will elect not to serve as a canvassing board member for the Town; and

**WHEREAS**, the Town Commission, based upon the above guidance, desires to revise the composition of the Town's canvassing board to provide that Town elections shall be canvassed and certified by the canvassing board appointed by Palm Beach County, which shall include the SOE; and

**WHEREAS**, the Town Commission believes these amendments to the Town 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.** The Code of Ordinances of the Town of Palm Beach Shores, Florida, is hereby amended at Chapter 22. Elections. at Section 22-6. Canvassing board; method of voting. to confirm the Town Clerk's authority to delegate duties to the Palm Beach County Supervisor of Elections as necessary without further authorization from the Town Commission and to delegate all canvassing and certification responsibilities to the County Canvassing Board; providing that Section 22-6 shall hereafter read as follows:

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

The Town Clerk of the Town of Palm Beach Shores shall be the official representative of the Town and the Town Commission in all transactions with the Supervisor of Elections of Palm Beach County, Florida, in relation to matters pertaining to the use of registration books and records for holding municipal elections as prescribed by state law.

The Town delegates all canvassing and certification duties as defined in applicable Florida Statute, including but not limited to, F.S. 102.141, F.S. 101.5612, F.S. 101.68, F.S. 101.6925, F.S. 101.048, F.S. 101.049, F.S. 102.166, F.S. 102.151 and F.S. 101.591 and Florida Administrative Code, including but not limited to, Rule 1S-027, 1S-031, 1S-2.037 and 1S-5.026, to the County Canvassing Board appointed by the Palm Beach County Commission and the Chief Judge of the Fifteenth Judicial Circuit and will be composed of the supervisor of elections; a county court judge, who shall act as chair; and the chair of the board of county commissioners, or their respective alternates or substitutes.

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

~~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.~~

**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.** 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 with this ordinance are repealed.

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

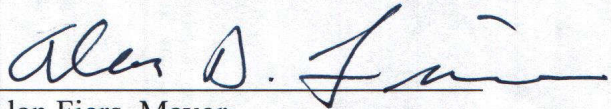
**Section 7.** Specific authority is hereby given to codify this ordinance into the Code of Ordinances of the Town of Palm Beach Shores.

**Section 8.** This ordinance will take effect immediately upon adoption.

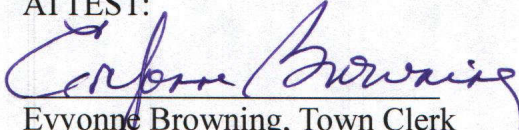
FIRST READING this 26<sup>th</sup> day of July 2021.

SECOND AND FINAL READING this 22<sup>nd</sup> day of November 2021.

**TOWN OF PALM BEACH SHORES**

  
Alan Fiers, Mayor

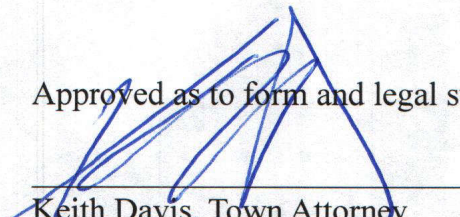
ATTEST:

  
Evyonne Browning, Town Clerk

(Seal)



Approved as to form and legal sufficiency.

  
Keith Davis, Town Attorney