

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, AMENDING CHAPTER 30, ELECTIONS, SECTION 30-1 AND SECTION 30-2 OF THE CODE OF ORDINANCES TO REVISE THE DATE FOR CANDIDATES TO QUALIFY FOR CITY OFFICES; PROVIDING A SEVERABILITY AND CODIFICATION CLAUSE; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

* * * * *

WHEREAS, to accommodate statutory vote-by-mail requirements, as set forth in Section 101.62, Florida Statutes (2020), the Palm Beach County Supervisor of Elections, recently recommended that each municipality which has not already done so, to amend its qualifying period so that its qualifying period ends on or before the 95th day before Election Day; and

WHEREAS, the Supervisor of Elections has recommended that the deadline for the City of West Palm Beach (the "City") to certify the name of each municipal candidate to be set to no later than the first Friday in December; and

WHEREAS, in order for the Supervisor of Elections to conduct the City's municipal election on the second Tuesday in March, the City must change the candidate qualifying periods; and

WHEREAS, Chapter 30 of the West Palm Beach Code of Ordinances contains the elections regulations adopted by the City Commission which provides the dates and methods for qualifying; and

WHEREAS, Sec. 30-1 provides candidates for office must qualify with the city clerk no earlier than noon on the last Tuesday in December nor later than noon on the second Tuesday in January of the calendar year in which the election is to be held; and

WHEREAS, Sec. 30-2 provides that a person seeking to qualify using an alternative method file an oath with the city clerk at any time after the first Tuesday after the first Monday in November of the year prior to the year in which the election is to be held but prior to the last day of November of said year; and

WHEREAS, Sec. 30-2 provides candidates shall submit the petition for verification to the city clerk no later than 5:00 p.m. of the tenth day preceding the first day of qualifying; and

WHEREAS, Section 100.3605 allows the governing body of a municipality to adopt an ordinance to change the dates of qualifying and for the election of members of the governing body of the municipality and provide for the orderly transition of office resulting from such date changes; and

Language underlined added, and language ~~stricken~~ deleted.

*Asterisks **** indicate language not amended which has been omitted to save space.

ORDINANCE NO. 4962-21

WHEREAS, Section 101.75, Florida Statutes, allows the governing body of a municipality, by ordinance, to move the date of any municipal election and to change the dates for candidate qualifying to a date concurrent with any statewide or countywide election, notwithstanding any provision of relevant municipal charter or ordinance; and

WHEREAS, the City Commission of the City of West Palm Beach desires to change the qualifying dates taking into consideration the Supervisor of Elections' deadline.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, that:

SECTION 1: Chapter 30, Elections, Section 30-1 – ~~Date for candidates to qualify for city offices; procedure for qualification – of the~~ Code of Ordinances of the City of West Palm Beach is hereby amended and shall read as follows:

Sec. 30-1.- Dates for candidates to qualify for city offices; procedure for qualification.

Candidates for the offices for which each election is held must qualify with the city clerk by paying a filing fee calculated at five percent of the annual salary of the office no earlier than ~~noon on the last Tuesday in December~~ noon on the first Tuesday in November, nor later than noon on ~~the second Tuesday in January~~ the third Tuesday in November of the calendar year prior to the year in which the election is to be held.

SECTION 2: Chapter 30, Elections, Section 30-2 – ~~Alternative method of qualifying – of the~~ Code of Ordinances of the City of West Palm Beach is hereby amended and shall read as follows:

Sec. 30-2.- Alternative method of qualifying.

(a) A person seeking to qualify for election to any office who is unable to pay the filing fee prescribed by section 30-1 without imposing an undue burden on his personal resources or on resources otherwise available to him may qualify to have his name placed on the ballot by means of the petitioning process prescribed in this section, providing the person satisfies all other qualifying requirements. A person using this petitioning process shall file an oath with the city clerk stating that he intends to qualify for the office sought and stating that he is unable to pay the filing fee for that office without imposing an undue burden on his personal resources or on resources otherwise available to him. Such oath shall be filed at any time after the first Tuesday after the first Monday in ~~November~~ September of the year prior to the year in which the election is to be held but prior to the last day of ~~November~~ September of said year. The city clerk shall prescribe the form to be used in administering and filing such oath. No signatures shall be obtained by a candidate on any nominating petition until he has filed the oath required in this section.

(b) Upon receipt of a written oath from a candidate, the city clerk shall provide the candidate with petition forms in sufficient numbers to facilitate the gathering of signatures pursuant to this section. Such forms shall be prescribed by the city clerk.

Language underlined added, and language ~~stricken~~ deleted.

*Asterisks **** indicate language not amended which has been omitted to save space.

ORDINANCE NO. 4962-21

- (c) When a candidate has filed the oath prescribed in subsection (a) of this section, he may begin to seek signatures on petitions supporting his candidacy. Only signatures of electors who are registered to vote in the city shall be counted toward obtaining the minimum numbers as prescribed in this subsection. A candidate for the office of mayor shall obtain the signatures of a number of qualified electors equal to at least three percent of the total number of registered electors of the city as shown by the registration lists for the city for the last preceding election. A candidate for the office of city commissioner shall obtain the signatures of a number of qualified electors equal to at least three percent of the total number of registered electors represented by the office sought as shown by the voter registration lists for the city for the last preceding election.
- (d) Each candidate shall submit the petitions for verification to the city clerk no later than 5:00 p.m. of the tenth day preceding the first day of qualifying. The city clerk shall cause the signatures to be verified as to their status as electors of the city. Prior to 5:00 p.m. of the first day of qualifying, the city clerk shall notify each candidate of the status of his petition. If the required number of signatures has been obtained, the candidate shall, during the time prescribed for qualifying for office, submit a copy of such notice and file his qualifying papers and oath with the city clerk. The candidate shall reimburse the city for the cost of verification of the electors' signatures.

SECTION 3: Should any section or provision of this ordinance or any portion thereof, 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 hereof as a whole or any part thereof other than the part declared to be invalid.

SECTION 4: Specific authority is hereby granted to codify this Ordinance.

SECTION 5: This Ordinance shall take effect after Second Reading and passage as provided by law.

[SIGNATURES ON FOLLOWING PAGE]

Language underlined added, and language ~~stricken~~ deleted.

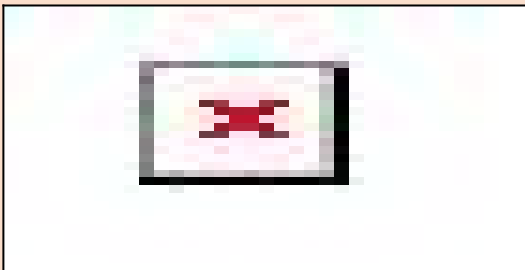
*Asterisks **** indicate language not amended which has been omitted to save space.

FIRST READING THIS 26TH DAY OF JULY, 2021.

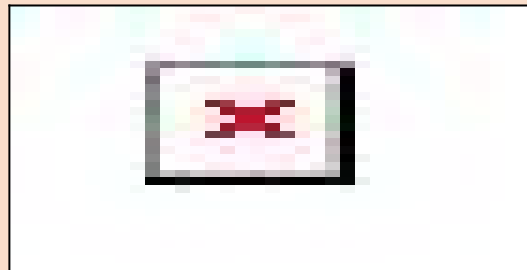
SECOND READING AND PASSAGE THIS 9TH DAY OF AUGUST, 2021.



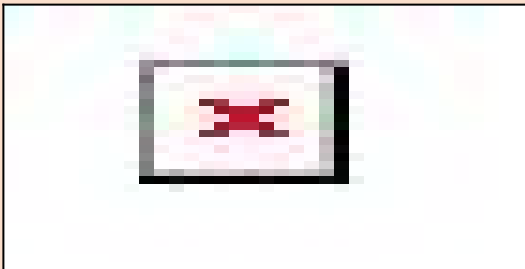
ATTEST:



**CITY OF WEST PALM BEACH BY
ITS CITY COMMISSION:**



**APPROVED AS TO FORM AND
LEGALITY:**



Language underlined added, and language ~~stricken~~ deleted.

*Asterisks **** indicate language not amended which has been omitted to save space.