

RESOLUTION NO. 41-24

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, CALLING FOR A NONPARTISAN ELECTION TO BE HELD ON TUESDAY, MARCH 19, 2024; AND A SECOND NONPARTISAN ELECTION, IF NECESSARY, ON TUESDAY, APRIL 2, 2024; SUCH ELECTIONS TO BE HELD FOR THE ELECTION OF TWO CITY COMMISSIONERS AND A MAYOR; APPOINTING THE PALM BEACH COUNTY CANVASSING BOARD TO CANVASS ALL ABSENTEE BALLOTS; TO CANVASS THE MUNICIPAL ELECTION; AND TO CONDUCT THE LOGIC AND ACCURACY TESTING FOR ALL ELECTION MACHINERY; AUTHORIZING THE CITY CLERK TO DO ALL THINGS NECESSARY TO CONDUCT THE NONPARTISAN ELECTION; PROVIDING THE TIME, MANNER, AND MEANS OF HOLDING SAID ELECTION, PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

WHEREAS, the Charter and the Code of Ordinances of the City of Delray Beach, provide for a Nonpartisan Election to be held in March for the electorate to elect city commissioners at such time; and

WHEREAS, if two or more candidates tie for the highest number of votes from all electors casting ballots for that seat for Commissioner, then these candidates shall be declared candidates for a second nonpartisan election to be held on Tuesday, April 2, 2024; and

WHEREAS, in the year 2024, two (2) seats on the City Commission and one (1) seat for Mayor are up for election; and

WHEREAS, the City Commission directs that the Nonpartisan Election be held on Tuesday, March 19, 2024; and

WHEREAS, the City Commission authorizes and directs the City Clerk to do all things necessary and prudent to conduct the Nonpartisan Election, and if necessary, a Second Nonpartisan election, and to provide all notices required in accordance with Article V, "Elections" of the Charter of the City of Delray Beach, Chapter 34, "Elections," and General Law.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, AS FOLLOWS, that:

Section 1. The foregoing recitals are hereby confirmed and ratified.

Section 2. The City Commission orders, authorizes, and calls for the holding of a Nonpartisan Election, to be held in the City of Delray Beach, Palm Beach County, Florida between the hours of 7:00 am and 7:00 pm on the 19th day of March 2024 for the purpose of electing qualified candidates as provided by law to fill two (2) City Commission seats and one (1) Mayor seat.

Section 3. The City Clerk is hereby authorized and directed to do all things necessary and prudent to conduct the March 19, 2024, Nonpartisan Election; and the April 2, 2024, Second Nonpartisan Election, if necessary, and is further authorized to designate polling locations within the municipal boundaries as designated by the Supervisor of Elections for Palm Beach County and in accordance with applicable laws and state guidelines.

Section 4. The City Clerk is hereby authorized and directed to assign sufficient poll workers to facilitate all the precincts within the municipal boundaries; schedule training for poll workers and to establish a pay scale applicable to the duties and responsibilities of the election staff.

Section 5. The City Commission hereby requests that the Palm Beach County Supervisor of Elections (SOE), or designee, provides the necessary voting equipment, conduct the logic and accuracy testing for all election machinery and tabulation equipment, and canvass all vote-by-mail ballots for said elections and is hereby requested and authorized to provide the necessary training to the poll workers as approved by the City Clerk.

Section 6. Pursuant to Section 5.05 of the City Charter of the City of Delray Beach, the Supervisor of Elections shall ascertain the votes of the City election and deliver the results to the Mayor and the City Clerk who shall transmit such returns to the Commission at a meeting to be held not more than three (3) days after such election.

Section 7. The City Commission shall convene not later than three (3) days after such election and shall canvass the returns and, in the absence of a declaration of a contest by any of the candidates in such election, shall declare the results of the election as shown by the returns made by the Supervisor of Elections.

Section 8. The City Clerk, no later than noon the second day thereafter, shall furnish a certificate of election to each person shown to be elected.

Section 9. This resolution shall become effective immediately upon passage.

PASSED AND ADOPTED this ____ day of February, 2024.

ATTEST:

Katerri Johnson, City Clerk

Shelly Petrolia, Mayor

Approved as to Form and Legal Sufficiency:

Lynn Gelin, City Attorney