

ORDINANCE NO. 44-17

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, AMENDING ARTICLE III, "LEGISLATIVE," SECTION 3.03, "QUALIFICATIONS OF CANDIDATES; ELECTION", OF THE CITY OF DELRAY BEACH CHARTER PURSUANT TO SECTION 100.3605, FLORIDA STATUTES, TO AMEND THE QUALIFYING DATES FOR THE CITY OF DELRAY BEACH'S GENERAL ELECTION AT THE REQUEST OF THE SUPERVISOR OF ELECTIONS; PROVIDING THAT EACH AND EVERY OTHER SECTION AND SUBSECTION OF ARTICLE III 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, Section 3.03 of the City of Delray Beach Charter currently establishes a candidate qualifying period for the City's general election from noon on the last Tuesday in January until noon on the second Tuesday in February prior to the March election; and

WHEREAS, the Palm Beach County Supervisor of Elections has requested that all municipalities within the county move up their qualifying period to provide sufficient time for the Supervisor to send vote-by mail (or absentee) ballots to overseas citizens in accordance with Section 101.61, Florida Statutes; and

WHEREAS, the City of Delray Beach wishes to amend the City's qualifying period at the request of the Supervisor of Elections and determines that the adoption of this Ordinance is in the best interest of the health, safety, and welfare of the City and its residents.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, that:

Section 1. Article III, "Legislative", Section 3.03, "Qualifications of Candidates; Election", of the City of Delray Beach Charter is hereby amended to read as follows:

Sec. 3.03. – QUALIFICATIONS OF CANDIDATES; ELECTIONS.

(A) Regulation of Qualifications. The qualifications, time, manner, and costs of qualifying as a candidate for Mayor or Commissioner shall be regulated by Chapter 34 of the Code of Ordinances of the City.

(B) Filing of Candidate Petitions. All candidate petitions shall be filed with the City Clerk ~~no earlier than noon on the last Tuesday in January and no later than noon on the second Tuesday in~~

~~February of the calendar year in which the election will be held~~ provided in accordance with the requirements of Chapter 34 of the Code of Ordinances of the City; however, if a special election to fill a vacancy in the office of Mayor is to be held, the time for qualifying shall be as provided by this Charter and Chapter 34 of the Code of Ordinances of the City of Delray Beach

(C) Names of Candidates. The City Clerk shall deliver the names of all candidates and the offices for which they have filed, to the Supervisor of Elections no later than 5:00 p.m. on the first Friday after the close of qualifying.

Section 2. All ordinances or parts of ordinances in conflict be and the same are hereby repealed.

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 of this Ordinance.

Section 4. Specific authority is hereby given to codify this Ordinance.

Section 5. This Ordinance shall become effective immediately upon adoption.

PASSED AND ADOPTED in regular session on second and final reading on this ____ day of _____, 2017.

Cary Glickstien, Mayor

ATTEST:

City Clerk

First Reading_____

Second Reading_____

Approved as to form and legal sufficiency:

R. Max Lohman, City Attorney