



Cover Memorandum/Staff Report

File #: 20-543

Agenda Date: 8/11/2020

Item #: 8.D.

TO: Mayor and Commissioners
FROM: Lynn Gelin, City Attorney
DATE: August 11, 2020

ORDINANCE NO. 40-20: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, AMENDING CHAPTER 34, "ELECTIONS," OF THE CODE OF ORDINANCES BY AMENDING "QUALIFICATIONS FOR CANDIDACY", SECTION 34.16, "FILING OF NOMINATING PETITION"; BY AMENDING SUBSECTION (A)(1)(a) TO PROVIDE FOR A ONE YEAR RESIDENCY REQUIREMENT PRIOR TO THE START OF THE QUALIFYING PERIOD; BY AMENDING SUBSECTION (A)(2) TO PROVIDE FOR ALTERNATIVES TO THE NUMBER OF PETITIONS OF REGISTERED VOTERS REQUIRED TO QUALIFY AS A CANDIDATE; BY PROVIDING A CONFLICTS CLAUSE, A SEVERABILITY CLAUSE, AND AUTHORITY TO CODIFY; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES. (SECOND READING)

Recommended Action:

Motion to approve Ordinance 40-20.

Background:

Chapter 34 of the Code of Ordinance, "Elections," provides that, in order to be nominated for election for Commissioner or Mayor, a candidate must file certain documents with the City Clerk in order to qualify for the position that they seek. This Ordinance seeks to amend two of the requirements, the residency requirement and the required number of signatures from qualified electors.

Section 34.16(1)(a) requires a statement in writing under oath that the nominee is "[q]ualified as an elector in the City and has been one since on or before September 1 preceding the election for which he or she is qualifying." In practical terms, an individual seeking office must reside in the City for approximately 6 months in order to qualify for office. This Ordinance would increase the residency requirement to one year prior to the commencement of the qualification period, which, generally, would fall on noon on the first business day in December.

Next, section 34.16(A)(2) requires at least 250 signatures from the electors of the City as part of the requirements of qualification for office. This Ordinance would allow candidates to choose to obtain either 250 signatures or 100 signatures from the electors of the City. Should a candidate choose to obtain 100 signatures, payment of \$1000 would also be required. In either scenario, a \$50.00 fee would be assessed to cover the City's cost of validating the signatures on the petition.

City Attorney Review:

Approved as to form and legal sufficiency.