

ORDINANCE NO. 33-21

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, AMENDING CHAPTER 34, "ELECTIONS", OF THE CODE OF ORDINANCES OF THE CITY OF DELRAY BEACH, FLORIDA, BY AMENDING SECTION 34.16, "FILING OF NOMINATING PETITION", TO AMEND THE QUALIFYING PERIOD FOR THE CITY OF DELRAY BEACH'S GENERAL ELECTION; PROVIDING A CONFLICTS CLAUSE, A SEVERABILITY CLAUSE, AND AUTHORITY TO CODIFY; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

WHEREAS, Section 34.16 of the City's Code of Ordinances currently establishes a candidate qualifying period for the City's general election from noon on the first business day in December until noon on the fourteenth business day in December immediately prior to the calendar year in which the election is to be held; and

WHEREAS, the Palm Beach County Supervisor of Elections has requested that all municipalities within the county amend its qualifying period to accommodate statutory vote by mail requirements; 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, AS FOLLOWS:

Section 1. The recitations set forth above are incorporated herein.

Section 2. Chapter 34, "Elections", Section 34.16, "Filing of Nominating Petition", of the Code of Ordinances of the City of Delray Beach is hereby amended to read as follows:

Sec. 34.16. - FILING OF NOMINATING PETITION.

(A) To qualify as a candidate for election, the candidate must file the documents set forth in subsections (A)(1) and (A)(2). The documents shall be filed with the City Clerk no earlier than noon on the first business day in ~~December~~ November and no later than noon on the fourteenth business day in ~~December~~ November immediately prior to the calendar year in which the election is to be held, or to qualify as a candidate for Mayor if a special election is called to fill a vacancy in the office of Mayor, the candidate must file with the City Clerk no earlier than noon on the first Tuesday in April nor later than noon on the third Tuesday in April provided, however, all those who qualified previously for Mayor for the previous regular election will be deemed to have qualified as a candidate for the special election without additional petitions being filed or additional monies being paid or to qualify as

a candidate in a special recall election called for the purpose of filling a vacancy pursuant to F.S. Section 100.361, the candidate must file with the City Clerk, no earlier than 8:00 a.m. two (2) days after the circuit court judge, pursuant to F.S. Section 100.361(2), has set the date for the special recall election and no later than 5:00 p.m. on the eighth day after the judge has set the date for the special recall election. The following documents must be filed:

- (1) A statement in writing under oath stating that the nominee is:
 - (a) Qualified as an elector in the City and has been so qualified for one (1) year prior to the commencement of the qualification period as specified in Section 34.16(A), *supra*, for the election for which he or she is qualifying.
 - (b) A candidate for the office for which he is qualifying.
- (2) A petition signed by the electors of the City, as determined on January 1 of the year immediately prior to the election, of either:
 - (a) At least two hundred fifty (250) of the Registered voters of the City; or
 - (b) At least one hundred (100) of the Registered voters of the City in addition to a filing fee in the amount of one thousand dollars (\$1,000.00).

An Election Assessment Fee in the amount of fifty dollars (\$50.00) shall be assessed to cover the cost of validating the signatures on the petition collected pursuant to Section 34.16(2)(a) or (b).

- (B)
 - (1) The petitions shall be on a form prescribed by the City Clerk, which shall not be released nor distributed by the City Clerk until 8:00 a.m. on the first business day in the month of ~~November~~ October preceding the month of qualification, or in the event of a special election to fill a vacancy in the office of Mayor, the petition shall be released and distributed by the City Clerk no earlier than the second Tuesday in March proceeding the special election, or in the case of a special recall election at 8:00 a.m. on the day after the Circuit Court Judge, pursuant to F.S. Section 100.361(2), has set the date for the special recall election unless that date falls on a weekend or holiday, in which case a petition may be obtained on the next regular business day.
 - (2) Signatures may be obtained on the petition between the time the City Clerk is authorized to release and distribute the petition and the deadline for qualification. The signatures to a nominating petition need not all be affixed to one paper, but to each separate paper of a petition there shall be attached an affidavit executed by its circulator stating the number of signers of the paper,

that each signature on it was affixed in his presence, and that he believes each signature to be the genuine signature of the person whose name it purports to be. The signatures shall be executed in ink or indelible pencil. Each petition shall have next to the signature the date of signing, the place of residence, and precinct number.

(C) The names of all candidates and the office for which they have filed shall be received by the Supervisor of Elections from the City Clerk by 5:00 p.m. on the first Friday after the close of qualifying, or in the event of a special election to fill a vacancy in the office of Mayor or in the case of a special recall election by 5:00 p.m. on the day following the close of qualifying except that if said day falls on a weekend or holiday, the City Clerk shall transmit the names of all candidates and the office for which they have filed on the next working day.

Section 3. All ordinances or parts of ordinances in conflict be and the same are hereby repealed.

Section 4. 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 5. Specific authority is hereby given to codify this Ordinance.

Section 6. This Ordinance shall become effective immediately upon adoption.

PASSED AND ADOPTED in regular session on second and final reading on this _____ day of _____, 2021.

Shelly Petrolia, Mayor

ATTEST:

Katerri Johnson, City Clerk

First Reading_____

Second Reading_____

Approved as to form and sufficiency:

Lynn Gelin, City Attorney

