

ORDINANCE NO. 18-20

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, AMENDING ARTICLE V, "ELECTIONS," SECTION 5.02, "TYPES OF ELECTIONS," OF THE CITY OF DELRAY BEACH CHARTER PURSUANT TO SECTION 100.3605, FLORIDA STATUTES, TO AMEND THE DATE ON WHICH ELECTIONS FOR MUNICIPAL NONPARTISAN ELECTIONS MAY BE HELD FOR THE CITY OF DELRAY BEACH; PROVIDING THAT EACH AND EVERY OTHER SECTION AND SUBSECTION OF ARTICLE V 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 5.02 of the City of Delray Beach Charter currently establishes that municipal nonpartisan elections shall be held on the second Tuesday in March of each year in which a term of the Mayor or Commissioner expires; and

WHEREAS, every four years the presidential preference primary in the State of Florida is held on the third Tuesday in March; and

WHEREAS, in those years where the presidential preference primary election falls on the third Tuesday, the City of Delray Beach would expend additional costs and resources in order to facilitate two elections in the same month in order to remain in compliance with the provisions of its Charter; and

WHEREAS, the City of Delray Beach wishes to amend its Charter in order to provide for its municipal elections to coincide with the presidential preference primary elections every four years; and

WHEREAS, pursuant to Florida Statute sections 166.021(4) and 100.3605(2), municipalities are authorized to amend their charters to change the election dates for candidates without the necessity of a referendum; and

WHEREAS, the City of Delray Beach 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 V, "ELECTIONS", Section 5.02, "TYPES OF ELECTIONS", of the City of Delray Beach Charter is hereby amended to read as follows:

**Section 5.02. – TYPES OF ELECTIONS.**

Elections to be held in the City shall all be conducted on a nonpartisan basis without regard for or designation of political party affiliation.

- (A) *Date of Municipal Nonpartisan Election.* Municipal nonpartisan elections shall be held on the second Tuesday in March of each year in which a term of the Mayor or Commissioner expires. In any election year in which the state holds a presidential preference primary election, or similar election, the City Commission may, by proclamation, change the date of the municipal nonpartisan election to coincide with the date of the presidential preference primary election or similar election.
- (B) *Ties.* In case of a tie in the municipal nonpartisan election, a second nonpartisan election shall be held.
- (C) *Special Election.* All other municipal elections that may be held by authority of this Charter, or of any law, shall be known as special elections.

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 \_\_\_\_\_, 2020.

\_\_\_\_\_  
Shelly Petrolia, Mayor

ATTEST:

\_\_\_\_\_  
City Clerk

First Reading \_\_\_\_\_

Second Reading \_\_\_\_\_

Approved as to form and legal sufficiency:

\_\_\_\_\_  
Lynn Gelin, City Attorney