

ORDINANCE NO. 30-20

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, BY AMENDING CHAPTER 34, "ELECTIONS"; SECTION 34.01, "STATE LAWS TO GOVERN" OF THE CODE OF ORDINANCES OF THE CITY OF DELRAY BEACH, FLORIDA, BY REPEALING SECTION (B) IN ITS ENTIRETY; PROVIDING A CONFLICTS CLAUSE, A SEVERABILITY CLAUSE AND AUTHORITY TO CODIFY; PROVIDING AN EFFECTIVE DATE AND FOR OTHER PURPOSES.

WHEREAS, on January 18, 2005, the City Commission of the City of Delray Beach passed Ordinance 2-05 exempting the City from the provisions of section 101.657, Florida Statutes, related to early voting; and

WHEREAS, in 2005, the City believed that it was in the best interest of the citizens to "opt out" of the provisions of Section 101.657, F.S.; and

WHEREAS, the City Commission of the City of Delray Beach find that it is in the best interest of its citizens to provide early voting provisions contained in Section 101.657, F.S.

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

Section 1. The above recitals are true and correct and are hereby incorporated into this Ordinance as if fully restated herein.

Section 2. That Chapter 34, "Elections", Section 34.01, "State Laws to Govern", of the Code of Ordinances of the City of Delray Beach, Florida, shall be amended by repealing (B) in its entirety, to read as follows:

**Sec. 34.01. – STATE LAWS TO GOVERN.**

(A) All elections, except as otherwise provided by the Charter and Chapter, shall be conducted according to the principles adopted for the State Election Code.

~~(B) Notwithstanding Section 34.01(A) above or other Chapters to the contrary, the City of Delray Beach exempts itself from the early voting requirements of Section 101.657, F.S. for municipal elections and shall not conduct early voting for City of Delray Beach municipal election.~~

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 hereof as a whole or part thereof other than the part declared to be invalid.

Section 4. That all ordinances or parts of ordinances in conflict herewith be, and the same are hereby repealed.

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

Section 6. This Ordinance shall become effective immediately upon its passage on second and final reading.

PASSED AND ADOPTED in regular session on second and final reading on this the \_\_\_\_\_ day of \_\_\_\_\_, 2020.

ATTEST:

\_\_\_\_\_  
Katerri Johnson, City Clerk

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Shelly Petrolia, Mayor

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

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

Approved as to form and legal sufficiency:

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Lynn Gelin, City Attorney