

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.

WHEREAS, Section 34.16 of the City's Code of Ordinances currently requires a six (6) month residency requirement as well as the collection of one hundred (100) signatures of the Registered voters of the City and payment of fifty dollars (\$50.00) in order to qualify as a candidate for election; and

WHEREAS, upon review of the qualification criteria of neighboring municipalities, the City Commission of the City of Delray Beach desires to amend this Section of the Code in order to require a longer residency requirement and to provide alternatives to the number of petitions required; and

WHEREAS, the City Commission of the City of Delray Beach wishes to amend the City's residency and qualification requirements for prospective candidates to the City Commission and finds 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. That Chapter 34, "Qualifications for Candidacy", Section 34.16, "Filing of Nominating Petition", is hereby amended to read as follows:

(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 and no later than noon on the fourteenth business day in December 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. § 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. § 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 ~~one since on or before September 1 preceding~~ 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 of at least two hundred fifty (250) of the Registered voters of the City as determined on January 1 of the year immediately prior to the election, and payment of fifty dollars (\$50.00) to cover the cost of validating the signatures on the petition.~~
- (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) – (C) (These subsections shall remain in full force and effect as previously adopted)

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 _____, 2020.

ATTEST:

City Clerk

Shelly Petrolia, Mayor

First Reading_____

Second Reading_____

Approved as to form and legal sufficiency:

Lynn Gelin, City Attorney