



Legislation Details (With Text)

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TO: Mayor and Commissioners
FROM: Lynn Gelin, City Attorney
DATE: July 7, 2020

DISCUSSION AND DIRECTION CONCERNING CHANGES TO QUALIFICATIONS OF CANDIDATES

Recommended Action:

Provide direction to staff regarding possible changes to residency requirements in order for interested persons to qualify as candidates for election for Commissioner or Mayor.

Background:

Currently, in order to be nominated for election for Commissioner or Mayor, section 34.15 of the Code of Ordinances requires an individual to be an "elector of the City" in addition to other filing requirements. An elector is defined in the City Charter as "any person who is a resident of the municipality, who has qualified as an elector of this State, and who registers in the procedural manner prescribed by general law and ordinance of the municipality, shall be a qualified elector of the municipality." See Section 5.01 of the Delray Beach Charter.

Should the Commission desire to make changes to the qualifications of an elector to be nominated for office, such changes could be made by amending Section 34.16 of the Code of Ordinances, which sets forth the criteria required to qualify as a candidate for elections. Currently, the qualification of an elector states that the nominee is "qualified 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." As municipal elections are typically held in March, an individual could qualify for office having been an elector in the City no less than 6 months prior to the election for the office which the person is seeking to qualify. See Section 34.16 (A)(1)(a) of the City of Delray Beach Code of Ordinance.

The City Clerk has provided the Commission a summary of residency requirements for other

municipalities. Case law in Florida allows the City to impose *reasonable* residency requirements for those seeking to qualify for office.