

Agenda Item No. \_R - 1\_\_\_\_

**VILLAGE OF ROYAL PALM BEACH**

Agenda Item Summary

**AGENDA ITEM:** Public hearing for first reading and approval of Ordinance No. 1035 amending Chapter 8. Elections of the Village Code of Ordinances to provide that the Village of Royal Palm Beach shall hold its next municipal election on March 19, 2024, in conjunction with the Presidential Preference Primary Election.

**ISSUE:** Section 101.75, *Florida Statutes*, permits municipalities to adopt by ordinance a new date for the general municipal election to coincide with the March 19, 2024 presidential preference primary date. The qualifying period for municipal candidates shall be the first seven (7) business days in November of 2023, between the hours of 8:00 a.m. and 5:00 p.m. In the event of a tie vote between candidates, a run-off election shall be held on April 2, 2024. The term of office for the elected official would commence and expire as set forth in the Village Charter.

**RECOMMENDED ACTION:** Motion to Approve Ordinance No. 1035 on first reading.

<b>Initiator</b>	<b>Village Manager Approval</b>	<b>Agenda Date</b>	<b>Village Council Action</b>
<b>Village Attorney</b>		<b>7/6/23</b>	

## **ORDINANCE NO. 1035**

AN ORDINANCE OF THE VILLAGE COUNCIL OF THE VILLAGE OF ROYAL PALM BEACH, FLORIDA, AMENDING CHAPTER 8. ELECTIONS. AT SECTION 8-5 OF THE CODE OF ORDINANCES TO SCHEDULE THE 2024 MUNICIPAL ELECTION TO COINCIDE WITH THE 2024 PRESIDENTIAL PREFERENCE PRIMARY ELECTION ON MARCH 19, 2024 AND TO CHANGE THE 2024 CANDIDATE QUALIFYING PERIOD ACCORDINGLY; PROVIDING A CONFLICTS CLAUSE, A SEVERABILITY CLAUSE, AND AUTHORITY TO CODIFY; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

WHEREAS, Article III, Section 3 of the Village Charter, states that the Village's municipal elections will be held on the second Tuesday in March of each calendar year; and

WHEREAS, Section 101.75, Florida Statutes, allows the Village to move its municipal election date to coincide with other statewide and countywide elections; and

WHEREAS, in 2024, the federal presidential preference primary election will fall on the third Tuesday in March; and

WHEREAS, the Village Council desires to move the Village's 2024 municipal election date to the third Tuesday in March to coincide with the 2024 presidential preference primary election, as it has done in previous years; and

WHEREAS, moving the Village's 2024 municipal election date to the third Tuesday in March requires the Village to alter the candidate qualifying period; and

WHEREAS, moving the election date and candidate qualifying period for the Village's 2024 municipal election to coincide with the 2024 presidential preference primary election requires an amendment to Chapter 8, Section 8-5 of the Village Code of Ordinances; and

WHEREAS, the Village Council of the Village of Royal Palm Beach believes that adopting this ordinance to amend Section 8-5 of the Code of Ordinances is in the best interests of the citizens of the Village of Royal Palm Beach.

NOW, THEREFORE, BE IT ORDAINED BY THE VILLAGE COUNCIL OF THE VILLAGE OF ROYAL PALM BEACH, FLORIDA, THAT:

**Section 1:** Chapter 8. Elections. of the Code of Ordinances of the Village of Royal Palm Beach is hereby amended at Section 8-5 in order to schedule the 2024 Municipal Election to coincide with the 2024 Presidential Preference Primary Election on March 19, 2024, and to change the 2024 candidate qualifying period accordingly; providing that Section 8-5 shall hereafter read

as follows:

**Sec. 8-5. – ~~2020~~ 2024 Municipal Election date change; qualifying period for candidates for elective office.**

Notwithstanding the provisions regarding the date for its annual municipal elections and the qualifying dates for same and the dates set for a run-off election, if necessary, set forth at article III, Government, in the Village of Royal Palm Beach Charter; and notwithstanding the provisions of chapter 8, Elections, at section 8-2, or any other code or Charter regarding the qualifying period for candidates for municipal elections, the Village of Royal Palm Beach hereby adopts the following provisions concerning the municipal election to be held in the year ~~2020~~2024. This change in the municipal election date and the qualifying period for same is allowed pursuant to the authority to do so granted under general law through the adoption of Section 101.75, Florida Statutes (~~2018~~2023).

- (a) The Municipal Election date for the Village of Royal Palm Beach for the year ~~2020~~2024 is ~~March 17, 2020~~ March 19, 2024, to coincide with the ~~2020~~ 2024 presidential preference primary election.
- (b) The qualifying period for municipal candidates shall be the first seven (7) business days in ~~December of 2019~~ in November of 2023, between the hours of 8:00 a.m. and 5:00 p.m. All documentation required by the state and village shall be submitted to the village clerk during this period.
- (c) In the event of a tie vote between candidates receiving the highest number of votes cast for any office, the names of all such tied candidates shall be placed on the ballot and shall be voted on at a run-off election to be held on ~~March 31, 2020~~ April 2, 2024.

**Section 2:** The Village Clerk is hereby directed to transmit a certified copy of this Ordinance to the Palm Beach County Supervisor of Elections, 240 South Military Trail, West Palm Beach, Florida 33415.

**Section 3:** All other sections and subsections of the Code of Ordinances of the Village of Royal Palm Beach, Florida, shall remain in full force and effect as previously enacted.

**Section 4:** All Ordinances or parts of Ordinances in conflict be and the same are hereby repealed.

**Section 5:** Should any section or provision of this Ordinance, or any portion thereof, 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 6:** Specific authority is hereby granted to codify this Ordinance.

**Section 7:** This Ordinance shall take effect immediately upon passage.

FIRST READING this 6th day of July, 2023.

SECOND AND FINAL READING this 17th day of August, 2023.

VILLAGE OF ROYAL PALM BEACH

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MAYOR FRED PINTO

(SEAL)

ATTEST:

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DIANE DISANTO, VILLAGE CLERK