



Agenda Item # R - 2

**Village of Royal Palm Beach
Village Council
Agenda Item Summary**

Agenda Item:

PUBLIC HEARING FOR FIRST READING AND APPROVAL OF ORDINANCE NO. 1016, AMENDING THE VILLAGE CHARTER TO ADJUST THE DATES FOR QUALIFYING FOR MUNICIPAL ELECTED OFFICE AT THE REQUEST OF THE PALM BEACH COUNTY SUPERVISOR OF ELECTIONS. BY: VILLAGE ATTORNEY KEITH W. DAVIS, ESQ.

Issue:

Currently, the Village Charter sets the dates for qualifying for Village municipal elections as the first seven (7) business days after January 1, between the hours of 8:00 a.m. and 5:00 p.m. of the calendar year in which the election is to be held. Additionally, the Charter provides that the Village Clerk shall give the Supervisor of Elections (SOE) the names of candidates and the offices for which they have filed by no later than 5:00 p.m. on the fourth (4th) business day after the close of qualifying.

Recently amended Section 101.62, Florida Statutes obligates the SOE to send out vote by mail ballots (previously called absentee ballots) to absent uniformed services voters and overseas voters by statutorily prescribed deadlines before all municipal elections. In correspondence received in June 2021, the SOE has strongly recommended that the Village amend its qualifying period so that it ends on or before the 95th day before each election (e.g., December 3, 2021 for the March 2022 election) to allow the SOE sufficient time to fulfill her statutory duties.

In response, Village Staff is proposing to move qualifying to the first seven (7) business days in November of the calendar year immediately preceding the year of the election. This revised schedule will provide the SOE with sufficient time to fulfill her duties.

Sections 100.3605 and 166.021(4), Florida Statutes, provide that the Village Charter can be amended to revise the election date and/or qualifying periods through an ordinance approved by the Village Council. No referendum vote is required to change the qualifying dates in the Charter.

Recommended Action:

Upon Council review, staff recommends a motion to approve Ordinance No. 1016 on first reading.

Initiator:	Village Manager	Agenda Date	Village Council
Village Attorney	Approval	8-19-2021	Action

ORDINANCE NO. 1016

AN ORDINANCE OF THE VILLAGE COUNCIL OF THE VILLAGE OF ROYAL PALM BEACH, FLORIDA, AMENDING THE VILLAGE CHARTER AT ARTICLE III. GOVERNMENT. AT SECTION 3. ANNUAL MUNICIPAL ELECTIONS. TO ADJUST THE DATES FOR QUALIFYING FOR MUNICIPAL ELECTED OFFICE, AT THE REQUEST OF THE PALM BEACH COUNTY SUPERVISOR OF ELECTIONS; DIRECTING THE VILLAGE CLERK TO TRANSMIT A CERTIFIED COPY OF THIS ORDINANCE TO THE PALM BEACH COUNTY SUPERVISOR OF ELECTIONS; PROVIDING THAT EACH AND EVERY OTHER SECTION AND SUBSECTION OF THE CHARTER OF THE VILLAGE OF ROYAL PALM BEACH 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, Article III. Government, Section 3. Annual municipal elections. of the Village Charter currently sets the dates for qualifying for Village municipal elections as the first seven (7) business days after January 1, between the hours of 8:00 a.m. and 5:00 p.m. of the calendar year in which the election is to be held; and

WHEREAS, the Village of Royal Palm Beach has, as have other municipalities in Palm Beach County, been requested by the Palm Beach County Supervisor of Elections (SOE) to move its municipal election qualifying period to an earlier period that provides sufficient time for the SOE to send vote-by-mail ballots (formerly known as absentee ballots) to overseas citizens in accordance with the requirements set forth in Section 101.62, Florida Statutes; and

WHEREAS, the Village Council has reviewed its qualifying period, the SOE's request and Section 101.62, Florida Statutes, and based on same, desires to adjust the qualifying period dates for the Village's municipal election; and

WHEREAS, moving the dates of the Village's qualifying period requires an amendment to Article III, Section 3 of the Village Charter; and

WHEREAS, Sections 100.3605 and 166.021, Florida Statutes, permit the Village to amend its Charter to change the date of its municipal election qualifying period by ordinance and without referendum; and

WHEREAS, the Village of Royal Palm Beach has held all required public hearings and has provided public notice in accordance with applicable State statutes and Village ordinances; and

WHEREAS, the Village Council of the Village of Royal Palm Beach has determined that the proposed revisions to its Charter are in the best interests of the Village.

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

Section 1: The Charter of the Village of Royal Palm Beach is hereby amended at Article III. Government. at Sec. 3. Annual municipal elections. in order to adjust the dates for the qualifying period for the Village's elections; providing that Sec. 3 shall hereafter read as follows:

Sec. 3. - Annual municipal elections.

Candidates for any municipal office shall file such papers and pay such fees as may be required by law with the Village Clerk during the first seven (7) business days ~~after January 1 of November,~~ between the hours of 8:00 a.m. and 5:00 p.m., of the calendar year immediately preceding the calendar year in which the election is to be held. The names of all candidates and the offices for which they have filed shall be received by the supervisor of elections from the Village Clerk by 5:00 p.m. on the fourth (4th) business day after the close of qualifying. All elections relating to municipal offices, other than run-off elections, held in the case of a tie vote or special elections, shall be held on the second Tuesday in March of the calendar year. If a run-off election is necessary, such election shall be held on the fourth Tuesday in March of that calendar year and shall be held in the same manner as the previous election. Village officers elected shall take office no later than the last day in March of the year in which they are elected.

Section 2: Each and every other Section and Sub-section of the Charter of the Village of Royal Palm Beach 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 granted to codify this Ordinance.

Section 6: The Village Clerk is hereby directed to transmit a certified copy of this ordinance to the Palm Beach County Supervisor of Elections.

Section 7: This ordinance shall take effect immediately upon adoption.

FIRST READING this 19th day of August, 2021.

SECOND AND FINAL READING this 2nd day of September, 2021.

VILLAGE OF ROYAL PALM BEACH

MAYOR FRED PINTO

(Seal)

ATTEST:

DIANE DISANTO, VILLAGE CLERK