



Agenda Item # R - 2

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

Agenda Item:

PUBLIC HEARING FOR SECOND READING AND ADOPTION OF ORDINANCE NO. 1017, AMENDING CHAPTER 8. ELECTIONS. OF THE VILLAGE CODE OF ORDINANCES AT SECTION 8-2. QUALIFICATIONS OF CANDIDATES FOR ELECTIVE OFFICE; CONTINUING QUALIFICATIONS FOR ELECTED OFFICERS. TO ADJUST THE DATES FOR QUALIFYING FOR MUNICIPAL ELECTED OFFICE AT THE REQUEST OF THE PALM BEACH COUNTY SUPERVISOR OF ELECTIONS, AND AT SECTION 8-3. CANVASS AND CERTIFICATION OF ELECTIONS. IN ORDER TO CONFIRM THE VILLAGE CLERK'S AUTHORITY TO DELEGATE DUTIES TO THE PALM BEACH COUNTY SUPERVISOR OF ELECTIONS AS NECESSARY WITHOUT FURTHER AUTHORIZATION FROM THE VILLAGE COUNCIL AND TO DELEGATE ALL CANVASSING AND CERTIFICATION RESPONSIBILITIES TO THE COUNTY CANVASSING BOARD. BY VILLAGE ATTORNEY KEITH W. DAVIS, ESQ.

Issue:

Currently, Section 8-2 of Village Code 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.

Additionally, this correspondence requested the Village consider utilizing the County Canvassing Board, which includes the SOE, such that the County Canvassing Board would be responsible for canvassing and certifying the Village's elections, rather than the Village's established Canvassing Board which, pursuant to Section 8-3 of the Village Code, currently consists of the Village Clerk, the SOE and one Council member. Note that the letter states that should the Village continue with its own Canvassing Board, the SOE will no longer serve as a Canvassing Board member for the Village. The SOE has indicated that there will be no additional cost to the Village for the County Canvassing Board to canvass and certify the Village's elections.

Initiator:	Village Manager	Agenda Date	Village Council
Village Attorney	Approval	9-2-2021	Action

In response to this correspondence, as well as follow-up correspondence from the SOE dated August 10, 2021, Village Staff is proposing to revise Section 8-2 of the Village Code 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 statutory duties. Village Staff is also proposing to revise Section 8-3 of the Village Code to delegate all canvassing and certification duties to the County Canvassing Board for the Village's stand-alone elections, instead of the Village's Canvassing Board.

The Village Council considered Ordinance No. 1017 on First Reading on August 19, 2021 and recommended approval by a vote of 5-0.

Recommended Action:

Staff recommends Approval of Ordinance No. 1017 on Second Reading.

Initiator:	Village Manager	Agenda Date	Village Council
Village Attorney	Approval	9-2-2021	Action

ORDINANCE NO. 1017

AN ORDINANCE OF THE VILLAGE COUNCIL OF THE VILLAGE OF ROYAL PALM BEACH, FLORIDA, AMENDING CHAPTER 8. ELECTIONS. AT SECTION 8-2. QUALIFICATIONS OF CANDIDATES FOR ELECTIVE OFFICE; CONTINUING QUALIFICATIONS FOR ELECTED OFFICERS. TO ADJUST THE DATES FOR QUALIFYING FOR MUNICIPAL ELECTED OFFICE, AT THE REQUEST OF THE PALM BEACH COUNTY SUPERVISOR OF ELECTIONS; AND AT SECTION 8-3. CANVASS AND CERTIFICATION OF ELECTIONS. IN ORDER TO CONFIRM THE VILLAGE CLERK'S AUTHORITY TO DELEGATE DUTIES TO THE PALM BEACH COUNTY SUPERVISOR OF ELECTIONS AS NECESSARY WITHOUT FURTHER AUTHORIZATION FROM THE VILLAGE COUNCIL AND TO DELEGATE ALL CANVASSING AND CERTIFICATION RESPONSIBILITIES TO THE COUNTY CANVASSING BOARD, 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 CHAPTER 8. ELECTIONS. 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, Chapter 8. Elections., at Section 8-2 of the Village Code of Ordinances 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, Chapter 8. Elections., at Section 8-3 of the Village Code of Ordinances sets the composition of the Village's Canvassing Board which currently includes the Palm Beach County Supervisor of Elections (SOE); and

WHEREAS, the Village of Royal Palm Beach has, as have other municipalities in Palm Beach County, been requested by the 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 of Royal Palm Beach has, as have other municipalities in Palm Beach County, been advised that, should the Village continue to canvass its stand-alone municipal elections, the SOE will elect not to serve as a canvassing board member for the Village; 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 Chapter 8. Elections. of the Village Code of Ordinances; and

WHEREAS, the Village Council, based upon a request from the SOE, desires to revise the composition of the Village's canvassing board to provide that Village elections shall be canvassed and certified by the canvassing board appointed by Palm Beach County, which includes SOE; 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 Chapter 8 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: Chapter 8. Elections. of the Code of Ordinances of the Village of Royal Palm Beach is hereby amended at Sec. 8-2. Qualifications of candidates for elective office; continuing qualifications for elected officers. in order to adjust the dates for the qualifying period for the Village's elections; providing that Sec. 8-2 shall hereafter read as follows:

Sec. 8-2. - Qualifications of candidates for elective office; continuing qualifications for elected officers.

(a) No person shall be qualified as a candidate for any elective office in the Village of Royal Palm Beach unless that person is a duly registered elector of the village and has established residency in the village for at least six (6) months prior to the time of qualifying. Any person desiring to qualify as a candidate for any elective office must present to the village clerk all documentation and/or fees required by state law, as it may be amended from time to time, along with a ten dollar (\$10.00) filing fee, proof that the person seeking office is indeed a duly registered elector of the village and meets the above-referenced residency requirements. All documentation required by state law as well as by village ordinance shall be submitted to 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.

(b) [Shall remain the same as previously adopted.]

Section 2: Chapter 8. Elections. of the Code of Ordinances of the Village of Royal Palm Beach is hereby amended at Sec. 8-3. Canvass and certification of elections. in order to

confirm the Village Clerk's authority to delegate duties to the Palm Beach County Supervisor of Elections as necessary without further authorization from the Village Council and to delegate all canvassing and certification responsibilities to the County Canvassing Board; providing that Sec. 8-3 shall hereafter read as follows:

Sec. 8-3. - Canvass and certification of elections.

The village clerk of the Village of Royal Palm Beach shall be the official representative of the village and the village council in all transactions with the Supervisor of Elections of Palm Beach County, Florida, in relation to matters pertaining to the use of registration books and records herein mentioned for holding such municipal elections.

The village delegates all canvassing and certification duties as defined in applicable Florida Statute, including but not limited to, F.S. 102.141, F.S. 101.5612, F.S. 101.68, F.S. 101.6925, F.S. 101.048, F.S. 101.049, F.S. 102.166, F.S. 102.151 and F.S. 101.591 and Florida Administrative Code, including but not limited to, Rule 1S-027, 1S-031, 1S-2.037 and 1S-5.026, to the County Canvassing Board appointed by the Palm Beach County Commission and the Chief Judge of the Fifteenth Judicial Circuit and will be composed of the supervisor of elections; a county court judge, who shall act as chair; and the chair of the board of county commissioners, or their respective alternates or substitutes.

~~The village clerk or designee of the clerk along with the supervisor of elections or the designee of that office shall canvass and certify any annual or special election pursuant to the requirements set forth at F.S. § 100.3605, and in conformance with any approved and effective agreement between the Village of Royal Palm Beach and the supervisor of elections. Additionally, the village council by resolution shall provide that one councilmember, which may include the mayor, whose group or mayoral position is not scheduled to be voted upon, shall also be made a member of the canvassing board.~~

Section 3: Each and every other Section and Sub-section of Chapter 8. Elections. shall remain in full force and effect as previously adopted.

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, 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 6: Specific authority is hereby granted to codify this Ordinance.

Section 7: The Village Clerk is hereby directed to transmit a certified copy of this ordinance to the Palm Beach County Supervisor of Elections.

Section 8: 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

ATTEST:

(Seal)

DIANE DISANTO, VILLAGE CLERK