

ORDINANCE 2020-02

A ORDINANCE OF THE CITY COUNCIL FOR THE CITY OF WESTLAKE, FLORIDA, TO ADJUST THE DATES FOR QUALIFYING FOR MUNICIPAL ELECTED OFFICE, AT THE REQUEST OF THE PALM BEACH COUNTY SUPERVISOR OF ELECTIONS; PROVIDING A CONFLICTS CLAUSE, A SEVERABILITY CLAUSE AND AUTHORITY TO CODIFY; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

WHEREAS, Section 11 (Elections) of the City Charter sets the dates for qualifying for municipal elections from and including noon on the last Tuesday in January to and including noon on the second Tuesday in February, of the year in which the election is held; and

WHEREAS, the City of Westlake, 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 absentee ballots to overseas citizens; and

WHEREAS, the City Council has reviewed its qualifying period, the SOE request and additional information from the City Clerk, and based on same, desires to adjust the qualifying period dates for the City’s municipal election; and

WHEREAS, Florida Statutes, §101.75, allows municipalities to change the date of any municipal election to a date concurrent with any statewide or countywide election, notwithstanding any provision of local law or municipal charter; and

WHEREAS, the City Council believes adjusting the qualification dates are in the best interests of the residents of Westlake.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF WESTLAKE, FLORIDA, that:

Section 1: **Incorporation:** The facts and recitations contained in the preamble of this ordinance are adopted and incorporated by reference as if set forth herein.

Section 2: **Notice of Election.** Notice shall be published at least once for two weeks prior to each election in a newspaper of general circulation in the City and posted during such period of time on the bulletin board in the City Hall and on the City’s website.

Section 3: Qualification Dates: The qualifications dates for the City of Westlake's election shall be from noon on Tuesday, February 25, 2020, through noon on Friday, March 6, 2020, at the request of the Palm Beach County Supervisor of Elections. Any qualified elector within the City may become a candidate for any office to be filled at any election by filing with the city clerk, a written notice that he or she intends to be a candidate for such office. In addition to the written notice, each candidate must complete any and all qualifying documents, which must be filed with the city clerk no earlier than noon on the last Tuesday in February, (February 25, 2020), nor later than noon on the first Friday in March (March 6, 2020) of the calendar year in which the election is to be held. Candidates who filed the Appointment of Campaign and Designation of Campaign Depository for Candidates may be allowed to utilize previously filed qualifying documents.

Section 4: Notice to Supervisor of Elections: In the event that special circumstances require an adjustment to this qualifying period, the City Council may adjust same by ordinance, so long as any such adjustment allows the City to still meet all deadlines from the Palm Beach County Supervisor of Elections for conducting the election. The names of all candidates and the offices for which they have filed shall be received by the Palm Beach County Supervisor of Elections from the city clerk by 5:00 p.m. after the close of qualifying.

Section 5: Municipal election dates, qualifying periods, and run-off election dates for years of statewide or countywide presidential preference primary elections. Florida Statute §101.75, delegates authority to the City to move the date and qualifying period of any City election to a date concurrent with other statewide or countywide elections. Notwithstanding the sections of the City Charter and Code of Ordinances regarding the municipal election date, election qualifying period, and date of runoff election, the City shall hold its Municipal election concurrently with any statewide or countywide presidential preference primary elections when those occur, and adhere to the following Municipal election date, qualifying period, and date of run-off election in such instances:

- (1) Beginning in 2020, the City shall hold its municipal election on March 31, 2020, concurrently with run-off date for the presidential preference primary elections.
- (2) The municipal run-off election date for the City's municipal election shall be on Tuesday, April 21, 2020, depending on the availability of the Palm Beach County Supervisor of Elections to conduct the election.

- (3) When a presidential preference primary election occurs in future years, the City shall set a concurrent election date, qualifying period, and date of run-off election by separate ordinance.

Section 6: Conflicting Ordinances: All ordinances and parts of ordinances which are in conflict with this ordinance are hereby repealed.

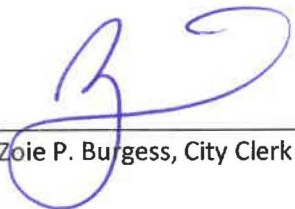
Section 7: Severability: Should the provisions of this Ordinance be declared to be severable and if any section, sentence, clause or phrase of this Ordinance shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this Ordinance but they shall remain in effect, it being the legislative intent that this Ordinance shall remain notwithstanding the invalidity of any part.

Section 8: Effective Date: This Ordinance shall be effective upon adoption on second reading.

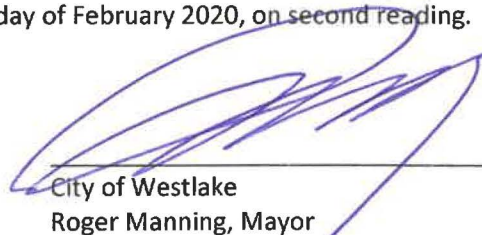
PASSED AND APPROVED on this 10th day of February, 2020, on first reading.

PUBLISHED on this 10th day of February, 2020 in the Palm Beach Post.

PASSED AND ADOPTED on this 24th day of February 2020, on second reading.



Zoie P. Burgess, City Clerk



City of Westlake
Roger Manning, Mayor



Approved as to Form and Sufficiency
Pam E. Booker, City Attorney