

**ORDINANCE 2019-14**

**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.**

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**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: Proclamation of Election.** It shall be the duty of the Mayor to issue his proclamation announcing every election, which proclamation shall be published at least once per week for two consecutive 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, December 31, 2019, through noon on Tuesday, January 14, 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. This notice must be filed with the city clerk no earlier than noon on the last Tuesday in December, (December 31, 2019), nor later than noon on the Second Tuesday in January (January 14, 2020) of the calendar year in which the election is to be held.

**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. Such written notice shall be stated on the following prescribed form:

- Name of Candidate:
- Filed for Office:
- Age of Candidate:
- Length of Residence:
  - a. In the State of Florida:
  - b. In the County of Palm Beach:
  - c. In the City of Westlake:
- Signature of Candidate:

**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 14, 2020, or 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 resolution be declared to be severable and if any section, sentence, clause or phrase of this resolution 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 resolution but they shall remain in effect, it being the legislative intent that this resolution 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 16<sup>th</sup> day of December, 2019, on first reading.

PASSED AND ADOPTED on this 31<sup>st</sup> day of December 2019, on second reading.

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City of Westlake  
Roger Manning, Mayor

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Zoie P. Burgess, City Clerk

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