

**ORDINANCE NO. 15-03**

**AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF LAKE CLARKE SHORES, FLORIDA, AMENDING CHAPTER 18, 'ELECTIONS' BY AMENDING SECTION 18-5, 'NOTICE OF GENERAL ELECTION REQUIRED' TO INCLUDE 'CONDUCT OF ELECTION' AND BY AMENDING SECTION 18-7, 'CANDIDATE QUALIFICATIONS; PROCEDURE FOR BECOMING CANDIDATE' BY AMENDING THE QUALIFYING PERIOD; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE AND FOR OTHER PURPOSES.**

**WHEREAS**, the Florida House of Representatives, on March 11, 2015, passed House Bill 7035 which sets the date for the Presidential Preference Primary as the third Tuesday in March in each Presidential election year; and

**WHEREAS**, Section 5 of Article III of the Town Charter, provides that the annual elections of the Town shall be held on the second Tuesday in March; and

**WHEREAS**, the Palm Beach County Supervisor of Elections has advised the Town that it is not possible to hold a municipal election on the second Tuesday in March, in each Presidential election year, when the Presidential Preference Primary is to be held on the third Tuesday in March; and

**WHEREAS**, Section 16 of Article III of the Town Charter, provides that the Town Council shall, by ordinance, provide for and regulate the conduct of elections; and

**WHEREAS**, the Town Council desires, in each Presidential election year, to hold the annual elections of the Town on the same date as the Presidential Preference Primary; and

**WHEREAS**, it is necessary to amend the filing dates for candidate qualification; and

**WHEREAS**, the Town Council finds that amending the filing dates and election dates as established by the Town Charter and Code of Ordinances, as set forth herein, serves a valid public purpose.

**NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF LAKE CLARKE SHORES, FLORIDA, AS FOLLOWS:**

**SECTION 1.** The above whereas clauses are true and correct.

**SECTION 2.** Section 18-5 of the Code of Ordinances is amended to read as follows:

Chapter 18

**ELECTIONS**

**Sec. 18-5      Conduct of Elections and Notice of general election required.**

(a) Notwithstanding anything to the contrary contained in Section 5 of Article III of the Town Charter, the annual elections commencing in 2017, and each year thereafter shall be held on the second Tuesday in March, provided however that commencing in 2016 the election shall be held on the third Tuesday in March and every four years thereafter, in each Presidential election year, the annual election shall be held on the third Tuesday in March, which is the date of the Florida Presidential Preference Primary.

(b) The town clerk shall cause to be published at least 15 days next preceding any general election, once, in a newspaper of general circulation in the town, a notice stating the date of such election, the offices to be filled, and the time and place where such election shall be held. If there are one or more propositions to be voted upon, such notice shall state in substance the character of the propositions to be voted upon. In addition to publication, such notice shall be given by posting a copy thereof in at least three public and conspicuous places in the town.

**SECTION 3.** Section 18-7 of the Code of Ordinances is amended to read as follows:

## Chapter 18

### ELECTIONS

#### **Sec. 18-7 Candidate qualifications; procedure for becoming candidate.**

(a) Any person meeting the qualifications prescribed by the Charter may become a candidate for any office to be filled at any election by paying to the town clerk a qualifying fee that shall be paid as established by town resolution and amended from time to time by resolution, and by filing with the town clerk a written notice that he intends to become a candidate at such election, stating for what office and requesting that his name be placed upon the ballot to be prepared for such candidate. These notices and filing fees will be accepted by the town clerk no earlier than ~~8:00 a.m. in the morning~~ of 12:00 noon on the fourth Tuesday in January 15 November preceding the election, ~~or the nearest normal working day thereto~~, and the deadline for qualifying of candidates in any such election shall be 12:00 noon on the second Tuesday in ~~February~~ December.

(b) Any person meeting the qualifications prescribed by the Charter and seeking to qualify for election to office as a write-in candidate shall file with the town clerk a written notice stating that he intends to become a write-in candidate at such election, stating for what office, and signing such notice. The notice will be accepted by the town clerk no earlier than ~~8:00 a.m. in the morning~~ of 12:00 noon on the fourth Tuesday in January 15 November preceding the election, ~~or the nearest normal working day thereto~~, and the deadline for qualifying of candidates in any such election shall be 12:00 noon on the second Tuesday in ~~February~~ December.

Any person who is seeking election as a write-in candidate shall not be required to pay a filing fee. A write-in candidate shall not be entitled to have his name printed on the ballot. However, space for his name to be written in shall be provided on the general election ballot. No person may qualify as a write-in candidate if he has also otherwise qualified for nomination or election to such office.

**SECTION 3.** All Ordinances or parts of Ordinances in conflict be and the same are hereby repealed.

**SECTION 4.** The provisions of this Ordinance will be made a part of the Code of Ordinances of the Town of Lake Clarke Shores, Florida. The sections of this Ordinance may be renumbered or re-

lettered to accomplish such, and the word "ordinance" may be changed to "section," "article," or any other appropriate word.

**SECTION 5.** If any section, paragraph, sentence, clause, phrase, or word of this Ordinance is for any reason held by a court of competent jurisdiction to be unconstitutional, inoperative, or void, such holding shall not affect the remainder of the Ordinance.

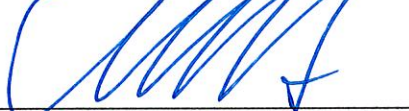
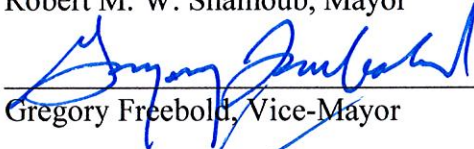

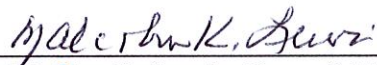
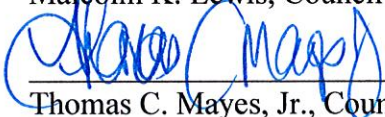
**SECTION 6.** The provisions of this Ordinance shall become effective immediately upon adoption.

**PASSED** this 14<sup>th</sup> day of April, 2015, on first reading.

**PUBLISHED** this 30<sup>th</sup> day of April, 2015 in Lake Worth Herald.

**PASSED AND ADOPTED** this 12<sup>th</sup> day of May, 2015, on second and final reading.

**TOWN OF LAKE CLARKE SHORES, FLORIDA**

	FOR	AGAINST
BY: <u></u> Robert M. W. Shalhoub, Mayor	<u>X</u>	<u>        </u>
<u></u> Gregory Freebold, Vice-Mayor	<u>✓</u>	<u>        </u>
<u></u> Valentin Rodriguez, Jr., President Pro Tem	<u>X</u>	<u>        </u>
<u></u> Malcolm K. Lewis, Council Member	<u>X</u>	<u>        </u>
<u></u> Thomas C. Mayes, Jr., Council Member	<u>X</u>	<u>        </u>

**ATTEST:**

By:   
Mary Pinkerman, Town Clerk