

TOWN OF LOXAHATCHEE GROVES

RESOLUTION NO. 2009-001

A RESOLUTION ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, DESIGNATING THE DATE, TIME AND PLACE TO QUALIFY AND FILE FOR THE OFFICE OF TOWN COUNCIL MEMBER FOR SEAT 1 AND SEAT 3 PRIOR TO THE MUNICIPAL GENERAL ELECTION TO BE HELD ON TUESDAY, MARCH 10, 2009, PURSUANT TO THE TOWN CHARTER, SECTION 7, AND CHAPTERS 97 – 106, FLORIDA STATUTES; THE ELECTION FILING PERIOD OPENS PROMPTLY AT 12:00 NOON ON JANUARY 27, 2009 AND CLOSSES PROMPTLY AT 12:00 NOON ON FEBRUARY 3, 2009; SETTING FILING FEES; AUTHORIZING THE TOWN CLERK TO APPOINT ELECTION BOARDS FOR ELECTION PRECINCT 6080; APPOINT THE PALM BEACH COUNTY SUPERVISOR OF ELECTIONS TO HANDLE ALL MUNICIPAL ABSENTEE BALLOTS; AND TO REPRESENT THE TOWN OF LOXAHATCHEE GROVES AT ALL LOGIC AND ACCURACY TESTS OF THE OPTICAL SCANNING VOTING EQUIPMENT PRIOR TO THE MUNICIPAL ELECTION; OPTING OUT OF EARLY VOTING; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town of Loxahatchee Groves shall conduct its annual Municipal General Election on Tuesday, March 10, 2009, pursuant to the Town Charter, Section 7, and pursuant to the Florida Constitution and Chapter 97 – Chapter 106, Florida Statutes.

WHEREAS, one polling place is provided for the Town, Precinct 6080, and shall be open between the hours of 7:00 a.m. - 7:00 p.m. on Election Day, March 10, 2009; and

WHEREAS, registered voters shall have the opportunity to cast their vote by paper ballot for candidates who have filed and qualified for the Office Town Council Member Seat 1 and Seat 3, pursuant to the Town Charter of the Town of Loxahatchee Groves, Palm Beach County, Florida.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, THAT:

Section 1. Any qualified elector [registered voter] of the Town of Loxahatchee Groves, Florida, who is qualified to hold an elective office under the Charter and Code of Ordinances of

the Town of Loxahatchee Groves, Florida, and who desires to become a candidate for the Office of Town Council Member for Seat 1 or Seat 3 shall file with the Municipal Filing Officer [Town Clerk], a fully executed Appointment of Campaign Treasurer and Designation of Campaign Depository for Candidates [DS-DE 9] form; and provide a Notice of Intent that his/her name be placed upon the ballot for election to declare themselves a bona fide candidate for such office; and file other forms necessary to be declared a candidate for the Office of Town Council Member for Seat 1 or Seat 3.

Section 2. The Appointment of Campaign Treasurer and Designation of Campaign Depository for Candidates [DS-DE 9] that has been executed and signed by the candidate and accepted and signed by the Campaign Treasurer); the written Notice of Intent to Seek Election for Office of Town Council Member for Seat 1 or Seat 3; and other required documents must be provided by the candidate to the Municipal Filing Officer [Town Clerk] during the Filing and Qualifying Period that opens promptly at 12:00 Noon, Tuesday, January 27, 2009 and closes promptly at 12:00 Noon, Tuesday, February 3, 2009.

Section 3. No filing fee needs to be submitted with the qualifying papers.

Section 4. Any candidate may withdraw his/her name at any time **prior** to the election ballot information being sent to the Palm Beach County Supervisor of Elections for printing.

Section 5. Each candidate for the Office of Town Council Member for Seat 1 or Seat 3 shall be a qualified elector [registered voter]. All candidates for the Office of Town Council Member for Seat 1 or Seat 3 must be a resident of the Town of Loxahatchee Groves for at least one (1) year prior to qualifying.

Section 6. Precinct 6080 is hereby authorized for the Municipal Election to be held on Tuesday, March 10, 2009, for the Office of Town Council Member for Seat 1 or Seat 3, which is within the Town of Loxahatchee Groves, Florida.

Section 7. The Town Council hereby authorizes the Town Clerk to notify the Palm Beach County Supervisor of Elections of his/her appointment to handle the Town's Absentee Ballots and to represent the Town of Loxahatchee Groves at all Logic and Accuracy Tests of the Optical Scan Voting Equipment prior to the Municipal Election scheduled for Tuesday, March 10, 2009.

Section 8. Upon closing the polls at 7:00 p.m. on Tuesday, March 10, 2009, the Town Clerk shall transport the paper ballots cast and appropriate cartridges to the Palm Beach County Supervisor of Election's Office. Upon the receipt of all optical scanned voting ballots and cartridges and provisional ballots, the Palm Beach County Supervisor of Elections shall count all the ballots, including the absentee ballots, optical scanned paper ballots, and provisional ballots for all Precincts located within the Town of Loxahatchee Groves. The Palm Beach County Supervisor of Elections shall officially certify the election results for the Municipal Election as soon as possible after all ballots have been counted from the election of March 10, 2009 and shall send the Official Certified Municipal Election Results to the Town Clerk.

Section 9. Upon the Town Clerk's receipt of the "Certified" Municipal Election Results from the Palm Beach County Supervisor of Elections, the Town's Canvassing Board shall meet as soon as practicable to canvass and certify the election results. The candidate(s) for the Office of Town Council Member for Seat 1 and Seat 3 receiving the highest number of votes validly cast shall be declared elected. In the event of a tie vote, a runoff election shall be held pursuant to Town Charter, Section 7(c). Following the Canvassing Board's certification, each newly elected Town Council Member shall be administered the Oath of Office and assume the duties of the office with a ceremonial induction occurring at the next regular meeting of the Town Council following the General Election held in accordance with Section 7(e) of the Town Charter.

Section 10. That for purposes of this election and any future municipal election, the Town Council hereby determines that due to the ability of registered voters to cast absentee ballots

for a municipal election that early voting is not necessary for a municipal election, and that it is in the best interest of the Town to opt out of early voting for municipal elections.

Section 11. All resolutions or parts of resolutions in conflict herewith are hereby repealed to the extent of such conflict.

Section 12. If any clause, section, other part or application of this Resolution is held by any court of competent jurisdiction to be unconstitutional or invalid, in part or application, it shall not affect the validity of the remaining portions or applications of this Resolution.

Section 13. This Resolution shall become effective immediately upon its passage and adoption.

ADOPTED by the Town Council of the TOWN OF LOXAHATCHEE GROVES, this ___ day of _____, 2009.

ATTEST:

TOWN OF LOXAHATCHEE GROVES,
FLORIDA

TOWN CLERK

Mayor David Browning

APPROVED AS TO LEGAL FORM:

Vice Mayor Marge Herzog

Office of the Town Attorney

Council Member

Council Member

Council Member