

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, AMENDING THE CITY CHARTER OF THE CITY, SUBJECT TO VOTER APPROVAL, AT SEC. 5.05 "NOTICE OF ELECTIONS" TO PROVIDE THAT A RUN-OFF ELECTION IS NOT REQUIRED IF A CANDIDATE RECEIVES MORE THAN FORTY PERCENT OF THE TOTAL VOTES CAST; PROVIDING A MUNICIPAL ELECTION TO BE HELD ON MARCH 13, 2012 TO APPROVE OR REJECT THE PROPOSED AMENDMENTS TO THE CITY CHARTER; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, that:

SECTION 1: The City Charter of the City of West Palm Beach, Florida (the "City"), as amended, is hereby amended at Sec. 5.05 as follows:

Sec. 5.05. Notice of elections.

The regular election of the City Commission shall be held on the second Tuesday in March by cCitywide vote of the cCity electors.

The entire electorate of the cCity shall be entitled to vote in elections for mMayor and city commission.

The candidate for the offices of mMayor and cCity cCommissioner receiving the highest number of votes exceeding forty percent (40%) ~~a majority~~ of the votes validly cast shall be declared elected. If, in any election, no candidate receives forty percent (40%) ~~this majority~~ in the first election, a second election, limited to the two (2) candidates for mMayor or cCity cCommissioner receiving ~~respectfully~~ respectively the highest and the next highest number of votes in the first election, shall be held on the fourteenth (14) day after the first election, and the candidate receiving the higher number of votes in the second election shall be declared elected.

Special municipal elections and referenda shall be held in the same manner as the regular cCity election except that the cCity cCommission, by ordinance, shall ~~fix~~ the time of holding such special elections and referenda.

ORDINANCE NO. 4391-11

SECTION 2: The amendments contained in Section 1 of this Ordinance shall be effective and operative on March 23, 2012, provided such amendments have been approved by the electorate of the City of West Palm Beach, Florida, voting in a referendum at a municipal election to be held on March 13, 2012 on the questions of the approval or disapproval of the proposed amendments set forth in Section 1 of this Ordinance.

The form of the questions on the ballot in the March 13, 2012 municipal election shall be as follows:

As to Sec. 5.05:

BALLOT QUESTION

PROVIDING THAT A RUN-OFF ELECTION IS NOT REQUIRED IF A CANDIDATE RECEIVES MORE THAN FORTY PERCENT (40%) OF THE TOTAL VOTES VALIDLY CAST

A runoff election is required if no candidate receives a majority (50% + 1) of the total votes validly cast. Shall the Charter of the City of West Palm Beach, Florida be amended to provide that a runoff election is not required if a candidate receives more than forty percent (40%) of the total votes validly cast?

Yes _____
No _____

SECTION 3: This ordinance shall become effective in accordance with law.

FIRST READING THIS 14th DAY OF November, 2011.

SECOND READING THIS 28th DAY OF November, 2011.

(CORPORATE SEAL)

CITY OF WEST PALM BEACH
BY ITS CITY COMMISSION

Geraldine Moore
PRESIDING OFFICER

ATTEST:

[Signature]
CITY CLERK

City Attorney's Office
Approved as to form
and legal sufficiency
By: *[Signature]*

Code: Words ~~stricken~~ are deletions to text; words underlined are additions to text.