

**MEMORANDUM
NO. 2025-003**

TO: MICHAEL NAPOLEONE, MAYOR
TANYA SISKIND, VICE MAYOR
JOHN MCGOVERN, COUNCILMAN
MARIA ANTUÑA, COUNCILWOMAN
AMANDA SILVESTRI, COUNCILWOMAN

CC: Jim Barnes
Tanya Quickel

FROM: Laurie S. Cohen *L.S.C.*

DATE: May 27, 2025

RE: Charter Amendment for Runoff Elections

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At the 2025 Directions Workshop, Council discussed the possibility of amending Wellington's election procedures given the significant costs associated with the April 2024 runoff election (\$118,119.25). At the end of the May 19, 2025 Council Workshop on K-Park, the notion of amending Wellington's election procedures was revisited and Council requested that our office prepare a memo on this topic so that it can consider how to proceed at a later date.

Our office reviewed the election procedures for 16 Palm Beach County municipalities that provide for runoff elections.¹ Of those, 10 specify that a candidate must receive a majority (50% plus 1) of the votes cast for a particular seat to prevail in the election. If none of the candidates receive a majority, the two candidates who receive the greatest number of votes proceed to a runoff election (in some cases, it might be more than two if there is a tie). Six municipalities, including Delray Beach, Loxahatchee Groves, Palm Beach Gardens, Palm Beach Shores, Royal Palm Beach, and Tequesta, have provisions that state that the candidate who receives the highest number of votes, whether or not it is a majority, is deemed the winner. In the event of a tie, the tied candidates proceed to a runoff election.

Wellington's existing election procedures are found in section 9(F) of Wellington's Charter and provide that if no candidate for office receives 35% or more of the votes cast for that office, then the two candidates receiving the highest vote in the general election shall run again. Specifically, section 9(F) provides as follows:

¹ Boynton Beach, Delray Beach, Juno Beach, Jupiter, Lake Worth Beach, Loxahatchee Groves, Mangonia Park, North Palm Beach, Pahokee, Palm Beach Gardens, Palm Beach Shores, Palm Springs, Riviera, Royal Palm Beach, Tequesta, and West Palm Beach.

- F. *Determination of election to office.* If only one candidate qualifies for an office, said candidate shall be deemed to be elected. If two or more candidates qualify for an office, the names of those candidates shall be placed on the ballot at the general election. In every election to any office the candidate receiving the highest percentage of the vote equal to or in excess of thirty-five (35%) percent of the votes validly cast for that office shall be declared elected. If in any election no candidate receives a minimum of thirty-five (35%) percent of the votes validly cast for that office, then the two candidates for the office receiving the highest vote in the general election shall run again in election, provided that:
1. If more than two candidates for an office receive an equal and highest number of votes, the name of each candidate shall be placed on the second election ballot.
 2. In any contest in which there is a tie for second place, the name of the candidate placing first and the name of each candidate tying for second shall be placed upon the second election ballot. The candidate receiving the highest number of votes cast for the office in the second election shall be elected to such office. If the vote at the second election results in a tie, the outcome shall be determined by lot.

At this time, Council has several options. It can do nothing and maintain its existing election procedures. Council can also amend its procedures to increase or decrease the percentage of votes a candidate must receive in order to be declared the winner. In the event of a tie, or if the requisite percentage is not achieved by any single candidate, the two candidates with the highest number of votes would proceed to a runoff. It is worth mentioning that the 35% in the current charter provision is already less than what is required in the majority of the other cities with runoff elections. Council can also amend its procedures to state that the candidate receiving the highest number of votes is the winner and do away with the runoff altogether. Finally, Council can craft its own procedure whereby the percentage of votes required to be declared the winner varies depending on the number of candidates for a particular seat. We do not recommend this option because it would likely be confusing to the electorate and would therefore have a lower chance of passing.

Unless Council is inclined to do away with the runoff altogether, we recommend that Council determine a fixed percentage of votes required to win the election, regardless of the number of candidates running for a particular seat. Such an approach will be easier to implement, would be more easily understood by residents considering the proposed charter amendment, and is more consistent with what we observed in other cities that conduct runoff elections.

If you have any questions regarding this, or any other matter, please do not hesitate to contact me.