

MEMORANDUM

Agenda Item No. 7(B)

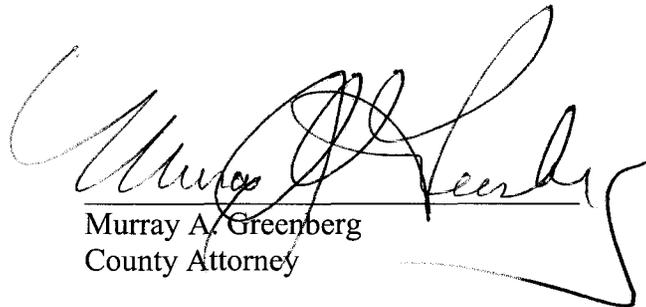
TO: Honorable Chairman Joe A. Martinez
and Members, Board of County Commissioners

DATE: (Second Reading 11-28-06)
July 6, 2006

FROM: Murray A. Greenberg
County Attorney

SUBJECT: Ordinance amending Section
12-23 of the Code pertaining
to initiative, referendum and
recall petitions; anti-fraud
amendments to petition
requirements

The accompanying ordinance was prepared and placed on the agenda at the request of Commissioner Jose "Pepe" Diaz.



Murray A. Greenberg
County Attorney

MAG/bw

Memorandum



Date: November 28, 2006
To: Honorable Chairman Joe A. Martinez
and Members, Board of County Commissioners
From: George M. Burgess 
County Manager
Subject: Ordinance Amending Section 12-23 of the Code Pertaining to Initiative, Referendum
and Recall Petitions

The ordinance amending Section 12-23 of the Code of Miami-Dade County pertaining to initiative, referendum and recall petitions will not have a fiscal impact to Miami-Dade County.

If the proposed ordinance is approved, all print on petitions for initiative, referendum, or recall must be in 12-point font with only one signature per page. Additionally, the period to disqualify forms will increase from 15 to 30 days.



Assistant County Manager

Fiscal00106



MEMORANDUM
(Revised)

TO: Honorable Chairman Joe A. Martinez
and Members, Board of County Commissioners

DATE: November 28, 2006

FROM: Murray A. Greenberg
County Attorney

SUBJECT: Agenda Item No. 7(B)

Please note any items checked.

- "4-Day Rule" ("3-Day Rule" for committees) applicable if raised
- 6 weeks required between first reading and public hearing
- 4 weeks notification to municipal officials required prior to public hearing
- Decreases revenues or increases expenditures without balancing budget
- Budget required
- Statement of fiscal impact required
- Bid waiver requiring County Manager's written recommendation
- Ordinance creating a new board requires detailed County Manager's report for public hearing
- Housekeeping item (no policy decision required)
- No committee review

Approved _____ Mayor

Agenda Item No. 7(B)

Veto _____

11-28-06

Override _____

ORDINANCE NO. _____

ORDINANCE PROVIDING FOR PERIOD DURING WHICH PERSONS SIGNING A PETITION FOR INITIATIVE, REFERENDUM, OR RECALL MAY WITHDRAW THEIR SIGNATURES; PROVIDING THAT ALL PRINT ON PETITIONS FOR INITIATIVE, REFERENDUM, OR RECALL MUST APPEAR IN 12-POINT FONT AND THAT THERE BE NO MORE THAN ONE SIGNATURE PER PAGE; AMENDING SECTION 12-23 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

WHEREAS, Article 7 of the Home Rule Charter provides the method for initiative, referendum, and recall; and

WHEREAS, this Charter provision can be implemented by ordinances designed to prevent or reduce fraud; and

WHEREAS, this Board finds that there have been recent instances where signers of petitions have alleged that they have been fraudulently induced to sign a petition,

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA:

Section 1. Section 12-23 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:¹

Sec. 12-23. Initiative, referendum and recall petitions- Verification of signatures; disqualification of noncomplying petitions.

¹ Words stricken through and/or [[double bracketed]] shall be deleted. Words underscored and/or >>double arrowed<< constitute the amendment proposed. Remaining provisions are now in effect and remain unchanged.

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* * *

- (1) *Form of Petition.* All petitions for initiative, referendum, and recall submitted pursuant to Article 7 of the Miami-Dade County Home Rule Charter shall be ~~>>in 12-point font with no more than one signature per page and<<~~ in a format determined by the Supervisor of Elections; providing, however, each petition shall contain the following information:

* * *

- (2) *Disqualification of Forms.* Within ~~[[fifteen (15)]]~~ ~~>>~~thirty (30)~~<<~~ days, excluding weekends and legal holidays, of the date of filing a petition of initiative or referendum, the Supervisor of Elections, or in the case of recall, the Clerk of the Circuit Court, shall disqualify the following petition forms:

* * *

- (3) *Disqualification of Signatures.* The Supervisor of Elections in the case of the initiative or referendum, or the Clerk of the Circuit Court in the case of recall, shall disqualify the following signatures:

* * *

~~>>~~G. Any signature that, within fifteen (15) days, excluding weekends and legal holidays, of the date of filing the petition, the signer, on a form prescribed by the Supervisor of Elections, has withdrawn his or her signature because the signature was fraudulently obtained.~~<<~~

Section 2. If any section, subsection, sentence, clause or provision of this ordinance is held invalid, the remainder of this ordinance shall not be affected by such invalidity.

Section 3. It is the intention of the Board of County Commissioners, and it is hereby ordained that the provisions of this ordinance, including any sunset provision, shall become and be made a part of the Code of Miami-Dade County, Florida. The sections of this ordinance may

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be renumbered or relettered to accomplish such intention, and the word "ordinance" may be changed to "section," "article," or other appropriate word.

Section 4. This ordinance shall become effective ten (10) days after the date of enactment unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

PASSED AND ADOPTED:

Approved by County Attorney as
to form and legal sufficiency:



Prepared by:



Jeffrey P. Ehrlich

Sponsored by Commissioner Jose "Pepe" Diaz