MEMORANDUM Agenda Item No. 7(A)

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

DATE: November 15, 2011

FROM: R. A. Cuevas, Jr. County Attorney

SUBJECT: Ordinance amending Sections 12-17 and 12-21 of the Code regarding the filing of campaign finance reports with the Supervisor of Elections

This Ordinance was amended by the Infrastructure and Land Use Committee to eliminate the requirement in Section 12-21(b) to report aggregated contributions equal to or greater than five thousand dollars ($5,000.00) as duplicative of other reporting requirements.

The accompanying ordinance was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Bruno A. Barreiro.

R. A. Cuevas, Jr.
County Attorney

RAC/up

Memorandum

MIAMI-DADE COUNTY

Date: November 15, 2011

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

From: Carlos A. Gimenez
Mayor

Subject: Ordinance amending Sections 12-17 and 12-21 of the Code regarding the filing of campaign finance reports with the Supervisor of Elections

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The proposed Ordinance amending Sections 12-17 and 12-21 of the Code regarding the filing of campaign finance reports with the Supervisor of Elections will require that each person shall file Campaign Finance Reports electronically with the Miami-Dade County Elections Department. The amendment further provides that Independent Expenditure Reports submitted by a person or entity shall be posted on the Supervisor of Election's website within two (2) business days of receipt of the report by the Supervisor of Elections. The proposed amendments will not have any fiscal impact to the County.

Office of the Mayor

Fis6011

MEMORANDUM

(Revised)

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

DATE: November 15, 2011

FROM: R. A. Cuevas, Jr.
County Attorney

SUBJECT: Agenda Item No. 7(A)

Please note any items checked.

_____ **"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**

_____ **Ordinance creating a new board requires detailed County Manager's report for public hearing**

_____ **No committee review**

_____ **Applicable legislation requires more than a majority vote (i.e., 2/3's ____, 3/5's ____, unanimous_____) to approve**

_____ **Current information regarding funding source, index code and available balance, and available capacity (if debt is contemplated) required**

Approved _____ Mayor

Veto _____

Override _____

Agenda Item No. 7(A)

11-15-11

ORDINANCE NO. _____

ORDINANCE AMENDING SECTIONS 12-17 AND 12-21 OF THE CODE OF MIAMI-DADE COUNTY REGARDING THE FILING OF CAMPAIGN FINANCE REPORTS WITH THE SUPERVISOR OF ELECTIONS AND PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

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

Section 1. That Section 12-17 of the Code of Miami-Dade County, Florida, is amended as follows:[1]

Sec. 12-17. Electronic reporting.

Candidates for the Office of Mayor of Miami-Dade County, Miami-Dade County Board of County Commissioners, Property Appraiser of Miami-Dade County, >>and<<Miami-Dade County Community Council [[~~and Miami-Dade County Fire Board~~]] shall file their Campaign Treasurer's Reports [[~~on diskettes or CD-ROMs simultaneously with and in addition to an original signed report as required by Section 106.07, Florida Statutes. The original signed Campaign Treasurer's Report as well as the required copy on diskette or CD-ROM shall be delivered to the Miami-Dade County Department of Elections on or before the due date. The format for Campaign Treasurer's Reports submitted on diskettes or CD-ROMs shall be the same as the original signed report.~~]] >>electronically with the Miami-Dade County Department of Elections.<< The Supervisor of Elections shall determine the required format for Campaign Treasurer's Reports and shall provide copies upon request.

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

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Sec. 12-21. Reporting of independent expenditures[[~~, aggregate contributions equal to or greater than $5,000.00~~]][2].

(a) Reporting and Posting of Independent Expenditures.

(1) Reporting and posting of independent expenditures. Each person who makes an independent expenditure with respect to any candidate for the Office of Mayor of Miami-Dade County, the Office of Commissioner of Miami-Dade County, Property Appraiser of Miami-Dade County, >>or<< Miami-Dade County Community Council [[~~or Miami-Dade County Fire Board~~]] shall file a report ("Independent Expenditure Report") >> electronically with the Miami-Dade County Department of Elections.<<[[~~with the Miami-Dade County Supervisor of Elections on diskettes or CD-ROMs simultaneously with and in addition to an original signed Independent Expenditure Report, as required by section 106.071, Florida Statutes. The original signed Independent Expenditure Report as well as the required copy on diskette or CD-ROM shall be delivered to the Miami-Dade County Department of Elections on or before the due date. The format for Independent Expenditure Reports submitted on diskettes or CD-ROMs shall be the same as the original signed report.~~]] The Supervisor of Elections shall determine the required format for Independent Expenditure Reports and shall provide copies upon request. Independent Expenditure Reports submitted by a person or entity shall be posted on the Supervisor of Election's Website within >>two (2)<< [[~~three (3)~~]] business days of receipt of the >>Independent Expenditure Report.<<[[~~diskettes or CD-ROMs by the Supervisor of Elections; provided, that diskettes or CD-ROMS required to be filed within four (4) days of an election shall be posted on the Supervisor of Election's Website no later than two (2) days before the date of election.~~]]

(2) Definitions.

a. For purposes of this section, "person" shall have the meaning ascribed to such term in Chapter 106, Florida Statutes, as amended and supplemented.

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[2] Committee amendments are indicated as follows: words double stricken through and/or [[double bracketed]] shall be deleted, words double underlined and/or >>double arrowed<< constitute the amendment proposed.

b. For purposes of this section, "independent expenditure" shall have the meaning ascribed to such term in Chapter 106, Florida Statutes, as amended and supplemented.

[[~~(b) Report regarding aggregate contributions equal to or greater than $5,000.00 within fourteen (14) days of the election. Each candidate for the Office of Miami-Dade County Mayor, the Office of Commissioner of Miami-Dade County, Property Appraiser of Miami-Dade County, the Miami-Dade County Fire Board, or Miami-Dade County Community Council who receives aggregate contributions equal to or greater than five thousand dollars ($5,000.00) within fourteen (14) days of the election, shall file a report (the "$5,000.00 Report") stating the names of the contributors, the amount of each contribution, the dates of the contributions and the aggregate amount of the contributions. The $5,000.00 Report shall be filed within two (2) business days of receipt by the candidate of aggregate contributions which are equal to or greater than five thousand dollars ($5,000.00). The $5,000.00 Report shall be filed each time a candidate receives aggregate contributions which are equal to or greater than five thousand dollars ($5,000.00), and shall be filed on diskettes or CD-ROMs simultaneously with and in addition to an original signed report. The original signed $5,000.00 Report as well as the required copy on diskette or CD-ROM shall be delivered to the Miami-Dade County Department of Elections on or before the due date. The format for $5,000.00 Reports submitted on diskettes or CD-ROMs shall be the same as the original signed report. The Supervisor of Elections shall determine the required format for $5,000.00 Reports and shall provide copies upon request. Each $5,000.00 Report submitted by a candidate for the Office of Mayor of Miami-Dade County, the Office of Commissioner or Miami-Dade County, Property Appraiser of Miami-Dade County, Miami-Dade County Community Council shall be posted on the Supervisor of Election's Website within two (2) business days of receipt[[of the diskettes or CD-ROMs by the Supervisor of Elections.~~]]

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 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:

Oren Rosenthal

Prime Sponsor: Commissioner Bruno A. Barreiro