

**MEMORANDUM**

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**Agenda Item No. 2(B)**

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**TO:** Honorable Vice Chairwoman Audrey M. Edmonson  
and Members, Board of County Commissioners

**DATE:** December 12, 2012.

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

**SUBJECT:** Ordinance creating reporting  
requirement for county and  
municipal candidates  
regarding paid and volunteer  
campaign workers  
participating in absentee ballot  
related campaign activities

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



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R. A. Cuevas, Jr.  
County Attorney

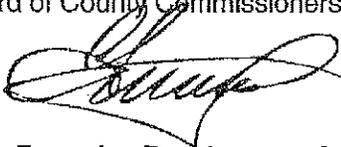
RAC/lmp

# Memorandum



**Date:** January 23, 2013

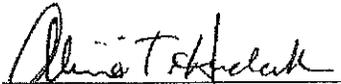
**To:** Honorable Vice Chairwoman Audrey M. Edmonson  
and Members, Board of County Commissioners

**From:** Carlos A. Gimenez  
Mayor 

**Subject:** Ordinance Creating Reporting Requirements for County and Municipal Candidates

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The proposed ordinance requires each campaign treasurer to file an additional expenditure report identifying the names of all paid or volunteer campaign workers participating in any activity regarding absentee ballots. The report shall be submitted to the Supervisor of Elections at the time of filing any contribution or expenditure reports. Candidates will have the ability to submit the required information through the current campaign finance reporting application. The implementation of this ordinance will not have a fiscal impact to the County.

  
Alina T. Hudak  
Deputy Mayor/County Manager

Fis10012



**MEMORANDUM**  
(Revised)

**TO:** Honorable Vice Chairwoman Audrey M. Edmonson  
and Members, Board of County Commissioners

**DATE:** January 23, 2013

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

**SUBJECT:** Agenda Item No. 14(A)(1)

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. 14(A)(1)  
9-6-12

ORDINANCE NO. \_\_\_\_\_

ORDINANCE CREATING REPORTING REQUIREMENT FOR COUNTY AND MUNICIPAL CANDIDATES REGARDING PAID AND VOLUNTEER CAMPAIGN WORKERS PARTICIPATING IN ABSENTEE BALLOT RELATED CAMPAIGN ACTIVITIES; PROVIDING PENALTIES FOR FAILURE TO REPORT AND FOR OTHER VIOLATIONS OF ABSENTEE BALLOT LAWS; PROVIDING FOR ENFORCEMENT BY THE COMMISSION ON ETHICS AND PUBLIC TRUST; CREATING SECTION 12-14.1 OF THE CODE; 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. Section 12-14.1 of the Code of Miami-Dade County, Florida, is hereby created to read as follows in its entirety:

**Sec. 12-14.1.** Absentee Ballot Campaigning Reporting Requirement.

- (1) Each campaign treasurer designated by a candidate for County or municipal office in Miami-Dade County shall, at the time of filing any contribution or expenditure reports otherwise required by law, file an additional electronic report with the Supervisor of Elections. The report shall identify the names of all paid or volunteer campaign workers, whether employed by the campaign or any consultant or agent of the campaign, participating in the campaign, or undertaking any other activities, regarding absentee ballots. The report shall be filed on a form created by the Supervisor of Elections for such purpose.
- (2) Any candidate failing to file a report as required by this section on the designated due date shall be subject to a fine of \$50 per day for the first three (3) days and, thereafter, \$500 per day for each day late not to exceed \$5,000. Such

fine shall not be an allowable campaign expense and shall be paid only from the personal funds of the candidate. Any candidate may appeal or dispute the fine to the Miami-Dade County Commission on Ethics and Public Trust based upon, but not limited to, unusual circumstances surrounding the failure to file on the designated due date, and may request, and shall be entitled to, a hearing before the Commission on Ethics and Public Trust, which shall have the authority to waive the fine in whole or in part. Any such appeal or dispute shall be made within twenty (20) days after receipt of notice that payment is due or such appeal or dispute shall be waived.

- (3) Candidates for County and municipal office in Miami-Dade County may not direct or knowingly permit any paid or volunteer campaign worker to violate any provision of the Miami-Dade County Code or Florida Law regarding the conduct of absentee voting. Any such candidate found to violate this subsection by the Commission on Ethics and Public Trust shall, in addition to any other civil or criminal penalties provided by law, be subject to the penalties provided in Section 2-11.1(bb) of the Code of Miami-Dade County.

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.

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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 Jose "Pepe" Diaz