MEMORANDUM

Agenda Item No. 7(A)

TO: Honorable Chairwoman Rebeca Sosa
and Members, Board of County Commissioners

DATE: March 5, 2013

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

SUBJECT: Ordinance relating to the Rules of Procedure of the Board of County Commissioners; amending Section 2-1 of the Code to provide that no more than three County questions, including straw ballot questions and commissioner-sponsored proposed amendments to the Home Rule Charter, shall appear on any general election ballot that includes a presidential election; providing an exception upon a two-thirds vote; providing severability, inclusion in the Code, and an effective date

This item was amended at the Economic Development & PortMiami Committee on February 14, 2013. The amended version allows for additional County ballot questions beyond three upon a two-thirds vote of the Board members present.

The accompanying ordinance was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Barbara J. Jordan.

R. A. Cuevas, Jr.
County Attorney

RAC/smm

Memorandum

MIAMI-DADE COUNTY

Date: March 5, 2013

To: Honorable Chairwoman Rebeca Sosa
and Members, Board of County Commissioners

From: Carlos A. Gimenez
Mayor

Subject: Ordinance Relating to Rules of Procedure Amending Section 2-1 of the Code to Provide That No More Than Three County Questions Shall Appear on Any General Election Ballot That Includes a Presidential Election

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The proposed ordinance provides that no more than three County questions shall be placed on any general election ballot that includes a presidential election. Implementation of this ordinance will not have a fiscal impact to the County and may result in ballot printing savings that are difficult to quantify.

Edward Marquez
Deputy Mayor

Fis3513

MEMORANDUM
(Revised)

TO: Honorable Chairwoman Rebeca Sosa
and Members, Board of County Commissioners

DATE: March 5, 2013

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 Mayor'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)
3-5-13

ORDINANCE NO. _____

ORDINANCE RELATING TO THE RULES OF PROCEDURE OF THE BOARD OF COUNTY COMMISSIONERS; AMENDING SECTION 2-1 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA TO PROVIDE THAT NO MORE THAN THREE COUNTY QUESTIONS, INCLUDING STRAW BALLOT QUESTIONS AND COMMISSIONER-SPONSORED PROPOSED AMENDMENTS TO THE HOME RULE CHARTER, SHALL APPEAR ON ANY GENERAL ELECTION BALLOT THAT INCLUDES A PRESIDENTIAL ELECTION; PROVIDING AN EXCEPTION UPON A TWO-THIRDS VOTE; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

WHEREAS, the November 2012 ballot not only included the Presidential election, a United States Senate race, Congressional races, state House and Senate races, judicial retention races and county commission races, but also included eleven (11) proposed constitutional amendments, one School Board question, seven (7) Miami-Dade County Home Rule Charter questions, two (2) County non-binding straw ballot questions and one (1) other County question; and

WHEREAS, the length of the November 2012 ballot in Miami-Dade County was unprecedented, with most voters receiving a five-page double-sided ballot (ten (10) pages in total), and voters in certain municipalities receiving a six-page double-sided ballot (12 pages in total); and

WHEREAS, the presence of ten (10) separate County and Home Rule Charter questions on the November 2012 ballot was a significant contributing factor to long lines and voter frustration during early voting and on election day; and

WHEREAS, this Board should limit the number of straw ballot, Home Rule Charter amendments and other County questions that it places on the ballot in a presidential election year to no more than three (3) in order to limit the length of the ballot and make the ballot more manageable for voters,

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

Section 1. Section 2-1 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:[1]

Sec 2-1. RULES OF PROCEDURE OF THE COUNTY COMMISSION.

* * *

PART 9. ADDITIONAL ORDINANCES PRESCRIBING COUNTY COMMISSION PROCEDURE

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>>*Rule 9.03.05 County ballot questions, including Home Rule Charter amendments and straw ballot questions.*

The Board shall place no more than three (3) County questions on any general election ballot that includes a presidential election. For purposes of this rule, "County questions" shall mean straw ballot questions, commissioner-sponsored proposed amendments to the Home Rule Charter and any other questions related to the County that are proposed by the Board. This subsection shall not apply to amendments to the Home Rule Charter proposed by initiatory petition pursuant to section 9.07 of the Home Rule Charter.<< >>Once the Board has voted to place three (3) County questions on any general election ballot that includes a presidential election, each additional County question may be placed on such a

[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.

ballot only with an affirmative vote of two-thirds (2/3rds) of those commissioners present.<<[2]

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: RAC

Prepared by: RAC for JMM

Jess M. McCarty

Prime Sponsor: Commissioner Barbara J. Jordan

[2] Committee amendments are indicated as follows: Words double stricken through and/or [[double bracketed]] are deleted, words double underlined and/or >>double arrowed<< are added.