

MEMORANDUM

Special Item No. 8

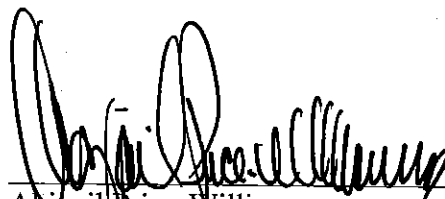
TO: Honorable Chairman Esteban L. Bovo, Jr.
and Members, Board of County Commissioners

DATE: June 26, 2018

FROM: Abigail Price-Williams
County Attorney

SUBJECT: Resolution calling a countywide special election in Miami-Dade County, Florida, to be held in conjunction with a general election on Tuesday, November 6, 2018, for the purpose of submitting to the electors of Miami-Dade County the question of whether to amend the Home Rule Charter to provide that when a candidate for County Commission or Mayor withdraws, becomes disqualified, or becomes deceased prior to an election no votes cast for such candidate shall be counted and that when a candidate for County Commission or Mayor is unopposed in an election after the close of qualification such candidate shall be deemed elected to office

The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Dennis C. Moss.



Abigail Price-Williams
County Attorney

APW/cp

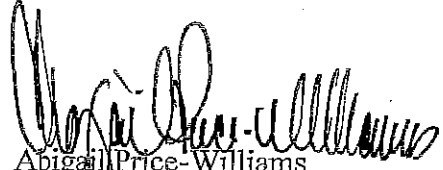


MEMORANDUM

(Revised)

TO: Honorable Chairman Esteban L. Bovo, Jr.
and Members, Board of County Commissioners

DATE: June 26, 2018

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County Attorney

SUBJECT: Special Item No. 8

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
- Statement of social equity 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

A

Approved _____ Mayor
Veto _____
Override _____

Special Item No. 8
6-26-18

RESOLUTION NO. _____

RESOLUTION CALLING A COUNTYWIDE SPECIAL ELECTION IN MIAMI-DADE COUNTY, FLORIDA, TO BE HELD IN CONJUNCTION WITH A GENERAL ELECTION ON TUESDAY, NOVEMBER 6, 2018, FOR THE PURPOSE OF SUBMITTING TO THE ELECTORS OF MIAMI-DADE COUNTY THE QUESTION OF WHETHER TO AMEND THE HOME RULE CHARTER TO PROVIDE THAT WHEN A CANDIDATE FOR COUNTY COMMISSION OR MAYOR WITHDRAWS, BECOMES DISQUALIFIED, OR BECOMES DECEASED PRIOR TO AN ELECTION NO VOTES CAST FOR SUCH CANDIDATE SHALL BE COUNTED AND THAT WHEN A CANDIDATE FOR COUNTY COMMISSION OR MAYOR IS UNOPPOSED IN AN ELECTION AFTER THE CLOSE OF QUALIFICATION SUCH CANDIDATE SHALL BE DEEMED ELECTED TO OFFICE

WHEREAS, on March 20, 2017, this Board approved Resolution No. R-304-17 creating a Charter Review Task Force to review the Home Rule Charter of Miami-Dade County in its entirety and prepare and submit to the Board of County Commissioners written recommendations setting forth any proposed amendments or revisions to the Charter; and

WHEREAS, on February 28, 2018 the Charter Review Task Force transmitted a final report recommending that this Board place proposed changes to the Miami-Dade County Home Rule Charter before the electorate of the County; and

WHEREAS, among the issues studied by the Charter Review Task Force was whether the Charter should provide that where a candidate for Mayor or County Commissioner becomes unopposed due to withdrawal, disqualification, or death following a primary election but prior to the runoff election such candidate shall be deemed elected to office; and

WHEREAS, the Charter Review Task force, by a unanimous vote, recommends that the names of unopposed candidates for Mayor and County Commissioners shall not appear on the runoff election ballot and a runoff election shall not take place; and

WHEREAS, this Board desires to place this issue before the voters on the November 6, 2018 General Election Ballot,

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

Section 1. A countywide special election is hereby called and shall be held in Miami-Dade County, Florida in conjunction with a General Election on Tuesday, November 6, 2018, for the purpose of submitting to the qualified electors of Miami-Dade County the proposal for amendment to the Home Rule Charter in the form attached hereto and made a part hereof.

Section 2. Notice of such election shall be published in accordance with Section 100.342, Florida Statutes.

Section 3. The result of such election shall be determined by a majority of the qualified electors of Miami-Dade County voting upon the proposal. The polls at such election shall be open from 7:00 a.m. until 7:00 p.m. on the day of such election. All qualified electors of Miami-Dade County, Florida shall be entitled to vote at said election. The County registration books shall remain open at the Office of the Miami-Dade County Supervisor of Elections until twenty-nine (29) days prior to the date of such election, at which time the registration books will close in accordance with the provisions of general election laws. The question shall appear on the ballot in substantially the following form:

CHARTER AMENDMENT
REGARDING ELECTIONS FOR COUNTY COMMISSIONERS
AND MAYOR

SHALL THE CHARTER BE AMENDED TO PROVIDE THAT WHEN A CANDIDATE FOR COUNTY COMMISSION OR MAYOR WITHDRAWS, BECOMES DISQUALIFIED, OR BECOMES DECEASED PRIOR TO AN ELECTION NO VOTES CAST FOR SUCH CANDIDATE SHALL BE COUNTED AND THAT WHEN A CANDIDATE FOR COUNTY COMMISSION OR MAYOR IS UNOPPOSED IN AN ELECTION AFTER THE CLOSE OF QUALIFICATION SUCH CANDIDATE SHALL BE DEEMED ELECTED TO OFFICE?

YES
NO

Section 4. The form of the ballot shall be in accordance with the requirements of general election laws.

Section 5. Early voting shall be conducted in accordance with the requirements of general election laws.

Section 6. Absentee paper ballots may be used by qualified electors of Miami-Dade County for voting on this question. The form of such absentee ballot shall be in accordance with the requirements prescribed by general election laws.

Section 7. A sample ballot showing the manner in which the question or proposal aforesaid will appear at this election shall be published and provided in accordance with the applicable provisions of general election laws.

Section 8. This special election on the proposal aforesaid shall be held and conducted in accordance with applicable provisions of the general laws relating to elections and the provisions of the Miami-Dade County Home Rule Charter. The County Mayor or his or her designee, the Finance Director, and the Clerk of the County Commission are hereby authorized and directed to take all appropriate actions necessary to carry into effect and accomplish the provisions of this resolution. This election shall be a nonpartisan election. Election officials in connection with this election shall be appointed in accordance with the provisions of general election laws.

Section 9. This election shall be canvassed by the County Canvassing Board, in accordance with the provisions of Section 3.07 of the Home Rule Charter.

The Prime Sponsor of the foregoing resolution is Commissioner Dennis C. Moss. It was offered by Commissioner _____, who moved its adoption. The motion was seconded by Commissioner _____ and upon being put to a vote, the vote was as follows:

Esteban L. Bovo, Jr., Chairman	
Audrey M. Edmonson, Vice Chairwoman	
Daniella Levine Cava	Jose "Pepe" Diaz
Sally A. Heyman	Eileen Higgins
Barbara J. Jordan	Joe A. Martinez
Jean Monestime	Dennis C. Moss
Rebeca Sosa	Sen. Javier D. Souto
Xavier L. Suarez	

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The Chairperson thereupon declared this resolution duly passed and adopted this 26th day of June, 2018. This resolution shall become effective upon the earlier of (1) 10 days after the date of its adoption unless vetoed by the County Mayor, and if vetoed, shall become effective only upon an override by this Board, or (2) approval by the County Mayor of this resolution and the filing of this approval with the Clerk of the Board.

MIAMI-DADE COUNTY, FLORIDA
BY ITS BOARD OF
COUNTY COMMISSIONERS

HARVEY RUVIN, CLERK

By: _____
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.



Oren Rosenthal

MIAMI-DADE COUNTY HOME RULE CHARTER

ARTICLE-3¹

ELECTIONS

* * *

SECTION 3.01. -- ELECTION AND COMMENCEMENT OF TERMS OF COUNTY COMMISSIONERS.

* * *

B. A candidate >>for County Commission or Mayor<< must receive a majority of the votes cast to be elected. Effective with the election for County Commission in 2004, if no candidate receives a majority of the votes cast there will be a runoff election at the time of the general election following the state primary election between the two candidates receiving the highest number of votes. Should a tie result, the outcome shall be determined by lot. >>No votes cast in favor of any candidate who withdraws, becomes disqualified, or becomes deceased prior to any election shall be counted. The names of unopposed candidates for Mayor and County Commissioners shall not appear on an election ballot and such election shall not take place. Each unopposed candidate shall be deemed to have voted for himself or herself. In the event that no candidate has qualified for Mayor or County Commissioner, a vacancy shall be deemed to have occurred, and shall be filled as provided by this Charter for the filling of a vacancy.<<

¹Words 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.