

(Second Reading 02-05-08)

Date: December 4, 2007

To: Honorable Chairman Bruno A. Barreiro and
Members, Board of County Commissioners

Agenda Item No. 7(H)

From: George M. Burgess
County Manager

Ordinance 08-20

Subject: Ordinance Amending Section 20-43(4) of the Code of Miami-Dade County to
Move the Qualifying Period for Community Council Candidates Three Weeks
Earlier

Recommendation

It is recommended that the Board approve the attached ordinance to amend Section 20-43(4) of the Code of Miami-Dade County. The proposed amendment will move the candidate qualifying period for community council candidates to end three weeks prior to the date that is currently required, in accordance with the recent change in state election laws. This new timeframe is also intended to correspond with R-1236-07, passed on November 6, 2007, which will submit to the electors of Miami-Dade County the question of whether the candidate qualifying period for the offices of County Mayor and County Commissioners should end three weeks prior to the date that is currently required.

Scope

The scope of this resolution is countywide in nature. The new qualifying period must be adhered to by all candidates running for Community Council seats.

Fiscal Impact/Funding Source

There is a positive fiscal impact to the County as a result of this ordinance. Increasing the amount of time between the qualifying period and Election Day will reduce personnel costs associated with election preparation.

Track Record/Monitoring

The Supervisor of Elections, Team Metro and the Planning and Zoning Department will be responsible for advising potential candidates of the change in their respective areas and adhering to the new qualifying period.

Background

On May 3, Florida Legislators approved House Bill 537 and Governor Crist signed it into state law on May 21, 2007. This bill included many revisions to state elections laws. One of which modified the qualifying period for all state and local offices to provide more time for the Supervisors of Elections in the state to code elections, produce ballots, and have them printed. The Florida State Association of Supervisors of Elections (FSASE) and the Secretary of State's Office requested this modification. The additional time became particularly important to many counties in light of the change from an electronic-based voting system to a paper-based voting system.

To bring the community council candidate qualifying deadline in line with the state, an amendment to the Code of Miami-Dade County is necessary. ***It is important that the***

qualifying period be moved up by three weeks in order to have additional time to prepare for the August 26, 2008 Primary Election, the first election that the amendment would be in effect. Without the additional time allotment for this election and beyond, the Elections Department will only have two weeks to print over one million ballots (up to four sheets each) prior to the state-mandated deadline to mail absentee ballots and the beginning of early voting.

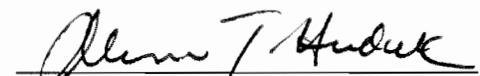
If approved by a majority vote, Section 20-43(4) of the Code of Miami-Dade County will be modified as follows:

All candidates for Community Councils shall qualify with the Clerk of the Circuit Court no earlier than the ~~51st day~~ >> 72nd day<< and no later than ~~5:00 p.m.~~ >>noon<< of the ~~49th day~~ >>70th day<< prior to the date of the election at which he or she is a candidate, in the manner provided by law or ordinance. Each candidate shall pay a filing fee of one hundred dollars (\$100.00).

The new candidate qualifying period will reflect the same change as the state candidate qualifying period for state, multi-county district, county, district, and special district offices. The county will shift the timeframe three weeks earlier in accordance with the state. The length of time that community council candidates have to qualify will remain at 3 days; the only change is in the qualification period.

- The current qualifying dates for the August 26, 2008 Primary Election are as follows:
Saturday, July 6, 2008 through 5 PM on Tuesday, July 8, 2008.
- Upon approval of the ordinance amendment, the qualifying dates will be changed to:
Saturday, June 15, 2008 through noon on Tuesday, June 17, 2008.

As mentioned above, the Board passed R-1236-07 on November 6, 2007, calling a special election on January 29, 2008 to submit to the electors of Miami-Dade County the question to move the candidate qualifying period for the offices of County Mayor and County Commissioners three weeks prior to the date that is currently required. Should this proposed amendment be approved, the timeframe for community council candidates will end on the same day as the offices of County Mayor and County Commissioners, should the charter amendment pass by majority vote on January 29, 2008. The goal is for all County office qualifying dates to end three weeks prior to the current date, in accordance with state law, to allow ample time for election preparation.


Assistant County Manager



MEMORANDUM

(Revised)

TO: Honorable Chairman Bruno A. Barreiro
and Members, Board of County Commissioners

DATE: February 5, 2008

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

SUBJECT: Agenda Item No. 7(H)

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(II)

Veto _____

02-05-08

Override _____

ORDINANCE NO. 08-20

ORDINANCE AMENDING ARTICLE IV, SECTION 20-43(4) OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA, REGARDING THE QUALIFYING PERIOD FOR COMMUNITY COUNCIL CANDIDATES, 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. Article IV, Section 20-43(4) of the Code of Miami-Dade County,

Florida is hereby amended to read as follows:¹

Section 20-43(4) All candidates for Community Councils shall qualify with the Clerk of the Circuit Court no earlier than the ~~[[51st day]]~~ >> 72nd day<< and no later than ~~[[5:00 p.m.]]~~ >>noon<< of the ~~[[49th day]]~~ >>70th day<< prior to the date of the election at which he or she is a candidate, in the manner provided by law or ordinance. Each candidate shall pay a filing fee of one hundred dollars (\$100.00).

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

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.

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: **February 7, 2008**

Approved by County Attorney as
to form and legal sufficiency:



Prepared by:



Oren Rosenthal