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CLERK OF THE BOARD
OF COUNTY COMMISSIONERS
DADE COUNTY, FLORIDA

Memorandum

MIAMI-DADE COUNTY

Date: November 6, 2007

Agenda Item No. 9(A)(10)(A)

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

From: George M. Burgess, County Manager

Subject: Resolution Calling a Special Election in Conjunction with the Countywide Election held on Tuesday, January 29, 2008 to Submit to the Electors of Miami-Dade County the Question of Whether the Candidate Qualifying Period for Certain County Elected Offices Should End Three Weeks Earlier R-1236-07

Recommendation

It is recommended that the Board approve the attached resolution which will submit to the electors of Miami-Dade County on January 29, 2008, in conjunction with the Presidential Preference Primary, a question to modify the Miami-Dade County Home Rule Charter. The proposed amendment will move the candidate qualifying period for certain Miami-Dade County elected offices to end three weeks prior to the date that is currently required, in accordance with the recent change in state election laws. The qualifying period for the offices of County Mayor and County Commissioners will be effected by this potential change.

Scope

The scope of this resolution is countywide in nature. The new qualifying period must be adhered to by all candidates running for County Mayor and County Commission.

Fiscal Impact/Funding Source

There is a positive fiscal impact to the County as a result of this resolution. 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 will be responsible for submitting the question to the electors of Miami-Dade County and if approved, will be responsible for advising potential candidates of the change in dates 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 modify the candidate qualifying period in line with the state, the County Charter must be modified. This is accomplished by submitting the question to the electors of Miami-Dade County and upon a vote by the majority. ***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 charter amendment would be in effect.*** Without the additional time allotment, 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 of the electorate, Section 3.04 of the Home Rule Charter will be modified as follows:

> Qualifications and Filing Fee
>
> All candidates for the office of Mayor or County Commissioner shall qualify with the Clerk of the Circuit Court no earlier than the ~~63rd day~~ >>84th day<< and no later than noon on the ~~49th day~~ >>70th day<< prior to the date of the election at which he is a candidate in the method provided by law or ordinance, and shall pay a filing fee of $300. All filing fees shall be paid into the general funds of the county

The new county 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 county candidates have to qualify will remain at 14 days; the only change is in the qualification period.

- The current qualifying dates for the August 26, 2008 Primary Election are as follows: Tuesday, June 24, 2008 through noon on Tuesday, July 8, 2008.

- Upon approval of the charter amendment, the qualifying dates will be changed to: Tuesday, June 3, 2008 through noon on Tuesday, June 17, 2008.

Community Council qualifying dates will also need to be modified to reflect these proposed changes as their dates fall within the time period stated above. This will need to be addressed as an amendment to Article IV, Section 20-43(4) of the Code of Miami-Dade County. The proposed ordinance change will be brought before the Board in the coming months.

Assistant County Manager

MEMORANDUM

(Revised)

TO:	Honorable Chairman Bruno A. Barreiro and Members, Board of County Commissioners	**DATE:**	November 6, 2007
FROM:	R. A. Cuevas, Jr. County Attorney	**SUBJECT:**	Agenda Item No. 9(A)(10)(A)

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
Veto _____
Override _____

Agenda Item No. 9(A)(10)(A)
11-6-07

RESOLUTION NO. R-1236-07

RESOLUTION CALLING A SPECIAL ELECTION IN CONJUNCTION WITH A COUNTYWIDE ELECTION IN MIAMI-DADE COUNTY, FLORIDA, TO BE HELD ON TUESDAY, JANUARY 29, 2008 FOR THE PURPOSE OF SUBMITTING TO THE ELECTORS OF MIAMI-DADE COUNTY THE QUESTION OF WHETHER TO AMEND THE HOME RULE CHARTER TO MOVE THE CANDIDATE QUALIFYING PERIOD FOR CERTAIN COUNTY ELECTED OFFICES THREE WEEKS EARLIER

WHEREAS, the approval of House Bill 537 on May 3, 2007 modified the qualifying period for all state and local offices to provide three additional weeks for Supervisors of Elections to prepare for elections; and

WHEREAS, the charter amendment will move the candidate qualifying period for certain Miami-Dade County elected offices three weeks earlier, in accordance with this recent change in state election law; and

WHEREAS, this will provide more time for the Supervisor of Elections to prepare for elections, which has become essential in light of the change from an electronic-based voting system to a paper-based voting system; and

WHEREAS, Section 3.04 of the County Charter will be modified as follows:

Qualifications and Filing Fee

All candidates for the office of Mayor or county commissioner shall qualify with the Clerk of the Circuit court no earlier than the [[~~63rd day~~]] >>84th day<< and no later than noon on the [[~~49th day~~]] >>70th day<< prior to the date of the election at which he is a candidate in the method provided by law or ordinance, and shall pay a filing fee of $300. All filing fees shall be paid into the general funds of the county,

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

Section 1. A special election in conjunction with a countywide election in Miami-Dade County is hereby called and shall be held in Miami-Dade County, Florida on Tuesday, January 29, 2008 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 special election shall be published in accordance with section 100.342 of the Florida Statutes.

Section 3. The result of such special election shall be determined by a majority of the qualified electors of Miami-Dade County voting upon the question. The polls at such special election shall be open from 7:00 a.m. until 7:00 p.m. on the day of such special election. All qualified electors of Miami-Dade County, Florida, shall be entitled to vote at said special election. The County registration books shall remain open at the Office of the Miami-Dade County Supervisor of Elections until thirty (30) days prior to the date of such special election, at which time the registration books will close in accordance with the provisions of the general election laws. The question shall appear in substantially the following form:

MIAMI-DADE HOME RULE CHARTER AMENDMENT
RELATING TO THE QUALIFYING DATES FOR CERTAIN COUNTY ELECTED OFFICES

SHALL THE CHARTER BE AMENDED TO MOVE THE CANDIDATE QUALIFYING PERIOD FOR CERTAIN MIAMI-DADE COUNTY ELECTED OFFICES THREE WEEKS EARLIER, IN ACCORDANCE WITH STATE LAW?

YES ☐

NO ☐

5

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

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

Section 6. Absentee paper ballots may be used by qualified electors of Miami-Dade County for voting on this question at said special election. The form of such absentee ballot shall be in accordance with the requirements prescribed by the general election laws and shall have printed thereon the question or proposal hereinabove set forth, with proper place for voting either "YES" or "NO" following the statement of the question or proposal aforesaid.

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

Section 8. This special election on the question aforesaid shall be held and conducted in accordance with applicable provisions of the general laws relating to special elections and the provisions of the Miami-Dade County Home Rule Charter. The County Manager, the Supervisor of Elections, 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 special election shall be a nonpartisan election. Election officials in connection with this special election shall be appointed in accordance with the provisions of the general election laws.

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

The foregoing resolution was offered by Commissioner **Dorrin D. Rolle** who moved its adoption. The motion was seconded by Commissioner **Dennis C. Moss** and upon being put to a vote, the vote was as follows:

Bruno A. Barreiro, Chairman	**aye**		
Barbara J. Jordan, Vice-Chairwoman	**absent**		
Jose "Pepe" Diaz	**aye**	Audrey M. Edmonson	**aye**
Carlos A. Gimenez	**aye**	Sally A. Heyman	**aye**
Joe A. Martinez	**aye**	Dennis C. Moss	**aye**
Dorrin D. Rolle	**aye**	Natacha Seijas	**aye**
Katy Sorenson	**aye**	Rebeca Sosa	**aye**
Sen. Javier D. Souto	**absent**		

The Chairperson thereupon declared the resolution duly passed and adopted this 6th day of November, 2007. This resolution shall become effective ten (10) days after the date of its adoption unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

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

HARVEY RUVIN, CLERK

By: **KAY SULLIVAN**
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.

Oren Rosenthal