

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

**AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI, FLORIDA, AMENDING CHAPTER 6 OF THE CITY CODE OF ORDINANCES, ENTITLED "ELECTIONS", SPECIFICALLY AT ARTICLE IV, ENTITLED "ELECTIONS ADMINISTRATION", AND SECTION 6-78, ENTITLED "ELECTION OF CITY COUNCIL MEMBERS", TO AMEND THE CRITERIA FOR PROOF OF RESIDENCY TO QUALIFY FOR PUBLIC OFFICE; PROVIDING FOR REPEAL, CONFLICTS, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.**

**WHEREAS**, the City of North Miami Code of Ordinances, section 6-78 (b)(2), currently requires that any person seeking the office of mayor or councilperson must be a resident of the city and/or the respective district of North Miami for at least one (1) year prior to qualifying for office, and must submit an affidavit plus one (1) form of proof of residency; and

**WHEREAS**, the City Council desires to amend the Ordinance and require a Federal or State government issued identification card in addition to the current requirements.

**NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI, FLORIDA, THAT:**

**Section 1.** The Mayor and City Council of the City of North Miami, Florida, hereby amend Chapter 6 of the Code of Ordinances entitled "Elections", under Article IV, entitled "Election Administration," specifically at Section 6-78, entitled "Election of city council members," to provide for the inclusion and applicability of the Code of Ordinances pursuant to statutory and municipal laws as follows:

**CHAPTER 6. ELECTIONS**

\* \* \* \* \*

**ARTICLE IV. ELECTION ADMINISTRATION**

\* \* \* \* \*

**Sec. 6-78. – Election of city council members**

\* \* \* \* \*

- (b) Any person seeking the office of mayor or councilperson must be a resident of the city and/or the respective district of North Miami for at least one (1) year prior to qualifying for office.
- (1) All candidates shall submit a sworn affidavit at the time of qualifying that provides their current address of legal residence and affirms that they have met the residency requirements pursuant to this section. The affidavit shall be on a form provided by the city clerk acting as the supervisor of elections
  - (2) In addition to filing the affidavit, candidates shall submit: (1) a current any Federal or State government-issued identification card, such as a driver's license and a voter's registration card; and (2) proof of residency which shall include one (1) of the following documents: ~~voter's registration, driver's license~~ property tax receipt, homestead exemption, utility bill, or lease agreement, all of which must have been in effect for at least one (1)-year prior to the qualifying date.

\* \* \* \* \*

**Section 2.** **Repeal.** All ordinances or parts of ordinances in conflict or inconsistent are hereby repealed.

**Section 3.** **Conflicts.** All ordinances or parts of ordinances in conflict or inconsistent with the provisions of this Ordinance are hereby repealed.

**Section 4.** **Severability.** The provisions of this Ordinance are declared to be severable, and if any section, sentence, clause or phrase of this Ordinance shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this Ordinance but they shall remain in effect, it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

**Section 5.** **Codification.** The provisions of this Ordinance may become and be made a part of the Code of Ordinances of the City of North Miami, Florida. The sections of the Ordinance may be renumbered or re-lettered to accomplish such, and the word "ordinance" may be changed to "section," "article" or any other appropriate word.

**Section 6.** **Effective Date.** This Ordinance shall become effective immediately upon adoption on second reading.

**PASSED AND ADOPTED** by a 4-1 vote of the Mayor and City Council of the City of North Miami, Florida, on first reading this 12 day of March, 2013.

**PASSED AND ADOPTED** by a \_\_\_\_\_ vote of the Mayor and City Council of the City of North Miami, Florida, on second reading this \_\_\_\_\_ day of \_\_\_\_\_, 2013.

\_\_\_\_\_  
ANDRE D. PIERRE, ESQ.  
MAYOR

ATTEST:

\_\_\_\_\_  
MICHAEL A. ETIENNE, ESQ.  
CITY CLERK

APPROVED AS TO FORM ONLY:

\_\_\_\_\_  
REGINE M. MONESTIME  
CITY ATTORNEY

SPONSORED BY: COUNCILMAN SCOTT GALVIN

Moved by: \_\_\_\_\_

Seconded by: \_\_\_\_\_

**Vote:**

Mayor Andre D. Pierre, Esq.	_____	(Yes)	_____	(No)
Vice Mayor Marie Erlande Steril	_____	(Yes)	_____	(No)
Councilperson Michael R. Blynn, Esq.	_____	(Yes)	_____	(No)
Councilperson Scott Galvin	_____	(Yes)	_____	(No)
Councilperson Jean R. Marcellus	_____	(Yes)	_____	(No)

Additions shown by underlining. Deletions shown by ~~overstriking~~.