

ORDINANCE NO. 1510

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", BY AMENDING ARTICLE II, ENTITLED "CANDIDATES" SPECIFICALLY AT SECTIONS 6-21 AND 6-24 TO CHANGE THE QUALIFYING DATES FOR CANDIDATES IN THE GENERAL ELECTION SCHEDULED FOR NOVEMBER 5, 2024, AND FOR ALL SUBSEQUENT ELECTIONS; PROVIDING FOR REPEAL, CONFLICTS, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.

WHEREAS, in accordance with Section 40 of the City Charter, candidates for office must qualify by filing such intention in writing with the city election authorities not earlier than forty-three (43) days nor later than thirty-five (35) days before the election; and

WHEREAS, Sections 6-21 and 6-24 of the City Code provide for a qualifying period of not earlier than forty-three (43) days nor later than thirty-five (35) days before the election; and

WHEREAS, Section 100.3605(2), Florida Statutes, authorizes the City Council to change the dates of its election, as well as dates of qualification, and to extend the terms of office of sitting Councilmembers necessitated by any such changes to the election date; and

WHEREAS, on December 13, 2022, the City Council adopted Ordinance No. 1501 and Ordinance No. 1502 determining that the City's General Election held in May is funded entirely by the residents of the City and it would be in the public interest to move the City's General Election from May in odd-numbered years to the first Tuesday in November following the first Monday in November in each even-numbered year so that the City General Election would coincide with the national and gubernatorial election and the cost of the election would be reduced by such a change; and

WHEREAS, the City of North Miami has been advised by the Miami-Dade County Supervisor of Elections that for the City's General Election scheduled for November 5, 2024, the qualifying dates for candidates must be amended to comply with the State of Florida's Elections Laws requiring the mailing of overseas vote-by-mail ballots to commence 45 days prior to the election; and

WHEREAS, to ensure compliance with state election laws, the City will amend its dates of qualification to occur no earlier than eighty-five (85) days nor later than seventy-five (75) days before the election; and

WHEREAS, the City Council desires to change the City's qualifying dates accordingly.

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 II, entitled "Candidates", specifically at Sections 6-21 and 6-24 as follows:

CHAPTER 6. ELECTIONS

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ARTICLE II. CANDIDATES

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Sec. 6-21. - Method of qualifying.

(a) Any qualified elector, as described in article II, section 5 above, of the city may qualify and run for a single council district seat, for mayor, or for city clerk by filing such intention in writing with the city election authorities not earlier than ~~forty-three (43)~~ eighty-five (85) days nor later than ~~thirty-five (35)~~ seventy-five (75) days before the election, such intention to be in substantially the following form:

(b) I, the undersigned, an elector of the City of North Miami, whose residence is _____ hereby announce my candidacy for the office of (Councilperson, District No. _____ (for Mayor), (for City Clerk) to be voted for at the election to be held on the day of ____ 20, _____ and I hereby agree to serve if elected.

Signature of candidate _____

Date and hour filing _____

Received by _____

(signature of election official)

(c) No intention or announcement of candidacy shall be accepted by the election authorities unless accompanied by a qualifying fee to be paid by the candidate in the sum of five (5) percent of the yearly salary which a councilperson is then entitled to receive. The officer who receives the qualifying fee shall issue a receipt. Such qualifying fee shall be returned to the candidate if the candidate becomes ineligible or withdraws such candidacy not later than the close of qualifying. Any candidate may withdraw such candidacy not later than the last day for filing same by filing a notice of withdrawal with the city clerk.

(d) Unless qualifying pursuant to the alternative method of qualifying set forth in section 6-22, a qualification fee in the sum of five (5) percent of the yearly salary a councilmember is then entitled to receive shall be paid at the same time as the qualification papers are filed pursuant to subsections (a) through (c) above. Payment of the fee shall be by a check drawn on the candidate's campaign account payable to the City of North Miami, delivered to the city clerk, who shall see that it is deposited in the general revenue fund of the city.

(e) Each person seeking to qualify for election to an office shall pay, at the time of qualifying for office, an election assessment. The election assessment shall be an amount equal to one (1) percent of the annual salary of the municipal office sought. Within thirty (30) days after the close of qualifying, the city clerk shall forward all amounts collected pursuant to this provision to the Department of State for deposit in the elections commission trust fund.

(f) Any person seeking to qualify for election to an office who is unable to pay the election assessment without imposing an undue burden on his personal resources or on resources otherwise available to him shall, upon written certification of such inability given under oath to the city clerk, be exempt from paying the election assessment provided by paragraph (e) above.

(g) Statement of candidate. Each candidate must file a statement with the qualifying officer within ten (10) days after he files his appointment of campaign treasurer and designation of campaign depository, stating that he has read and understands the requirements of F.S. ch. 106. Such statement shall be provided by the city clerk and shall be in substantially the following form:

STATEMENT OF CANDIDATE

I, _____, candidate for the office of _____, have received, read, and understand the requirements of Chapter 106, Florida Statutes.

(Signature of candidate) (Date)

Willful failure to file this form is a violation of F.S. §§ 106. 19(1)(c) and 106.25(3), and section 6-21 of the City Code.

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Sec. 6-24. - Time for qualifying.

No person may qualify as a candidate in accordance with this Code prior to the ~~forty-third~~ eighty-fifth (85th) day preceding the next city election nor later than 5:00 p.m., local time, on the ~~thirty-fifth~~ seventy-fifth (75th) day preceding the election.

* * * * *

Section 2. Repeal. All ordinances or parts of ordinances in conflict or inconsistent with the provisions of this Ordinance are hereby repealed.

Section 3. Conflicts. In the event that the provisions of this Ordinance are in conflict with any other ordinance, rule or regulation, the provisions of this Ordinance shall prevail.


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 5 - 0 vote of the Mayor and City Council of the City of North Miami, Florida, on first reading this 22nd day of August, 2023.

PASSED AND ADOPTED by a 5 - 0 vote of the Mayor and City Council of the City of North Miami, Florida, on second reading this 12th day of September, 2023.


ALIX DESULME, ED.D.
MAYOR

ATTEST :



VANESSA JOSEPH, ESQ.
CITY CLERK

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:



JEFF P. H. CAZEAU, ESQ.
CITY ATTORNEY

SPONSORED BY: CITY CLERK

Moved by: Desulme

Seconded by: Galvin

Vote:

Mayor Alix Desulme, Ed.D.	<u>X</u>	(Yes)	_____	(No)
Vice-Mayor Mary Estimé-Irvin	<u>X</u>	(Yes)	_____	(No)
Councilman Scott Galvin	<u>X</u>	(Yes)	_____	(No)
Councilwoman Kassandra Timothe, MPA	<u>X</u>	(Yes)	_____	(No)
Councilman Pierre Frantz Charles, M.Ed.	<u>X</u>	(Yes)	_____	(No)

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