

## Chapter 6 ELECTIONS<sup>1</sup>

### ARTICLE I. IN GENERAL

#### Sec. 6-1. Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Absent elector or absentee voter* shall mean any qualified and registered elector of the city who:

- (1) Is unable without another's assistance to attend the polls and cast his ballot at the appropriate polling place;
- (2) Is an inspector, poll worker, election official, deputy sheriff, supervisor of elections, city clerk, or any deputy or assistant thereto required to administer the conduct of the election and is unable to cast a vote in the precinct in which registered;
- (3) Cannot attend the polls on the day of any city election due to the tenets of religion; or
- (4) Will not be in the precinct of his residence during the hours the polls are open for voting on the day of a city election.

*Ballot or official ballot* shall mean:

- (1) When voting machines are used, that portion of the printed strips of paper or other material within the ballot frames containing the names of candidates or ballot question of an issue to be voted upon at a city election;
- (2) When paper ballots are used, a printed sheet of paper containing the names of candidates or ballot question of an issue to be voted upon at a city election;
- (3) When electronic devices are used, a ballot voted by the process of punching or marking with a marking device for tabulation by automatic tabulating equipment or data processing equipment; or
- (4) When absentee ballots are used, a printed sheet of paper or other material containing the names of candidates or ballot question of an issue to be voted upon at a city election.

*Candidate* means any individual to whom one (1) or more of the following applies:

- (1) Any individual seeking to qualify for election by means of an alternative or petition method;
- (2) Any individual receiving contributions or making expenditures, or who gives consent for another person to do so, with the intent of bringing about that individual's election to city office;

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<sup>1</sup>Charter reference(s)—Elections, Art. XVI.

Cross reference(s)—Administration, Ch. 2; city council, § 2-16 et seq.; city clerk, § 2-231.

State law reference(s)—Elections code, F.S. Chs. 97—106.

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- (3) Any individual who appoints a treasurer and designates a primary depository pursuant to F.S. § 106.021;
  - (4) Any individual who files qualification papers and subscribes to a candidate's oath as required by section 6-21.

*City attorney* means the city attorney of the City of North Miami, or the assistants thereof.

*City Charter* means the Charter of the City of North Miami.

*City clerk* or *clerk* means the duly elected city clerk of the city.

*City council* or *council* means the city council of the City of North Miami.

*Election* means any city election, be it to choose elected officials or consider issues, including runoff elections and special elections.

*Elector* or *voter* shall mean a qualified resident of the city on the day of the election properly registered in accordance with F.S. §§ 97.041 through 97.1031.

*Issue* means a proposed amendment to the city Charter, a proposed ordinance proposed by initiative pursuant to the city Charter, a proposed repeal of an ordinance by referendum pursuant to the city Charter, recall of an elected official, an authorization to issue bonds or other forms of indebtedness, a proposed annexation of territory into the city, straw ballot, or any other public question to be voted upon by the electors of the city pursuant to state law, city Charter, local ordinances, or call of the city council.

*Issue election* means an election called for the purpose of approving or disapproving an issue, including, but not limited to, charter amendment, initiative, referendum, bond authorization, annexation, recall, straw ballot, or other public question voted upon by the electors.

(Code 1958, § 8-2; Ord. No. 827, § 1, 6-26-90; Ord. No. 841, § 1, 2-26-91)

Cross reference(s)—Definitions and rules of construction generally, § 1-2.

State law reference(s)—Similar provisions, F.S. § 97.021.

## **Sec. 6-2. Short title.**

This chapter shall be known and may be cited as the North Miami Municipal Election Code.

(Code 1958, § 8-1)

## **Sec. 6-3. City clerk, supervisor of municipal elections.**

The city clerk is hereby designated the supervisor of municipal elections of the city, pursuant to section 208(c)(5) of the Charter and shall see that all city elections are conducted in a proper and legal manner. The city clerk may delegate any or all of the responsibilities for administering the election to the supervisor of elections of Miami-Dade County.

(Code 1958, § 8-3)

## **Sec. 6-4. Matters not specifically covered.**

In all matters pertaining to elections in the city where the same are not specifically provided for by this or any other ordinance, the laws of the state providing the rules, regulations and methods for holding elections and ascertaining the results thereof shall govern.

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(Code 1958, § 8-7)

**Sec. 6-5. Construction.**

Notwithstanding any provision of this chapter, it is specifically provided that nothing in this chapter shall be deemed to prohibit the city from utilizing any alternate procedure provided by law without the necessity for complying with the provisions of this chapter, and the provisions of this chapter shall not in any way operate to impair or impede the use of such alternate procedures provided by law.

**Secs. 6-6—6-20. Reserved.**

***ARTICLE II. CANDIDATES<sup>2</sup>***

**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) days nor later than thirty-five (35) 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

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<sup>2</sup>Charter reference(s)—City council, § 5; mayor, § 5; city clerk, § 207.

State law reference(s)—Campaign financing, F.S. Ch. 106.

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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.

(Code 1958, § 8-20; Ord. No. 827, § 2, 6-26-90; Ord. No. 841, § 2, 2-26-91; Res. No. 98-56, § 3, 11-10-98; Res. No. 99-72, §§ 1—11, 11-23-99)

Charter reference(s)—Qualification of candidates, § 167.

**Sec. 6-22. Alternative method of qualifying.**

- (a) As an alternative method of qualifying for those individuals unable or unwilling to pay the qualification fee, a petition containing the number of signatures of city electors in the geographical area represented by the office sought equal in number to three (3) percent of the total registered electors in that geographical area as of the most recent preceding regular city election may be filed with the city clerk, together with the required qualification papers, requesting that the individual's name be placed on the next city ballot for the office designated on the petition. As an example, candidates for mayor and city clerk will obtain signatures citywide and candidates for council districts 1, 2, 3, and 4 will obtain signatures from their respective council districts. The designation of office shall be specific as to which seat of a particular office is being sought. The designation may not be changed during the circulation of a petition, nor upon or after being filed with the city clerk. The petition shall be filed with the city clerk no later than the one hundred and thirteenth day preceding the next city election.
- (b) The petition shall be transmitted by the city clerk to the supervisor of elections of Dade County for signature verification pursuant to F.S. § 99.097. The supervisor shall return the petition to the city clerk within ten (10) days after receipt together with a certification of the number of signatures of city electors on the petition and whether that number equals or exceeds the requisite number. The cost of signature verification shall be paid pursuant to F.S. § 99.097(4), except that in the event a candidate is entitled to have the signatures verified at no cost to the candidate, the supervisor shall submit a statement for the cost of such verification, not to exceed twenty-five dollars (\$25.00), to the city for payment. A candidate is entitled to have the petition signatures verified at no cost to the candidate provided he executes an affidavit under oath that he cannot pay the charges for verification without imposing an undue burden upon the financial resources available to him. Such affidavit shall be filed with the city clerk together with the petition.
- (c) Upon receipt of the Dade County election supervisor's certification, the city clerk shall notify the candidate of the result of the verification. If the requisite number of valid signatures was attained, the city clerk shall

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place the candidate's name on the next city election ballot and he shall be considered as having qualified as of the date the petition was filed.

(Code 1958, § 8-20; Ord. No. 1512, § 1, 10-10-23)

### **Sec. 6-23. Write-in candidate.**

An individual may qualify as a write-in candidate by filing a statement to that effect, under oath, with the city clerk no later than the fortieth day preceding the next city election, together with the candidate's oath. No qualification fee shall be required or collected from a write-in candidate. The candidate's name shall not be printed on the ballot, but provision shall be made for write-in votes to be cast. Only write-in votes cast for a candidate who has qualified as a write-in candidate per this subsection shall be counted and canvassed as valid votes.

(Code 1958, § 8-20)

### **Sec. 6-24. Time for qualifying.**

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

(Code 1958, § 8-21; Res. No. 98-56, § 3, 11-10-98)

Charter reference(s)—Qualification, § 167(a).

### **Sec. 6-25. Withdrawal of candidate.**

- (a) A candidate may withdraw not later than the last day for filing to qualify by filing with the city clerk a written and executed statement, under oath, to that effect. The candidate's name shall then not be printed on the ballot.
- (b) If the withdrawal of a candidate results in only one (1) candidate remaining on the ballot for that office, the remaining candidate shall in the absence of a write-in candidate for that office, be declared elected, and no election for that office shall be required, and the qualified candidate's name shall not be printed on the ballot.

(Code 1958, § 8-22)

#### **Sec. 6-25.1. Vacancy in candidacy.**

If the death, withdrawal or removal of a qualified candidate following the end of the qualifying period results in only one (1) candidate remaining on the ballot for that office, the remaining candidate shall be declared elected and no election for that office shall be required.

(Ord. No. 842, § 1, 3-26-91)

### **Sec. 6-26. Candidate's name.**

The name of a candidate shall be printed on the ballot in the same form as the name appears on the candidate's oath. Shortened versions or nicknames may be used if so indicated. No title or evidence of incumbency shall be printed.

(Code 1958, § 8-23)

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Charter reference(s)—Council ballots, § 168.

**Secs. 6-27—6-40. Reserved.**

### ***ARTICLE III. ISSUE ELECTIONS<sup>3</sup>***

#### **Sec. 6-41. Calling of election.**

- (a) Except as otherwise provided by state law or city Charter, an issue election shall be called by the city council upon approval of a resolution to that effect following certification from the city clerk that any and all applicable procedures and requirements relating to such an election have been satisfied. Whenever possible, the issue election shall be held in conjunction with a regularly scheduled state or city election.
- (b) No issue election may be held less than forty-five (45) days after the date the election is called, unless so provided by state law.

(Code 1958, § 8-34)

#### **Sec. 6-42. Applicable election laws.**

Except as otherwise provided for or allowed by state law, an issue election shall be conducted pursuant to the provisions of this chapter.

(Code 1958, § 8-35)

#### **Sec. 6-43. Ballot language.**

- (a) The city council shall in the resolution calling the election pursuant to section 6-41 provide the language to appear on the ballot.
- (b) If state law prescribes the specific language to appear on the ballot, the ballot language shall be in substantially the form as provided in the applicable state law.

(Code 1958, § 8-36(a), (b)(2))

#### **Sec. 6-44. Notice of election.**

The city clerk shall cause a notice of election to be published as provided by law.

(Code 1958, § 8-37(a))

#### **Sec. 6-45. Reserved.**

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<sup>3</sup>State law reference(s)—Public measures on ballot, F.S. § 101.161.

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### **Sec. 6-46. Canvassing.**

The city council shall be the canvassing board for any issue election held pursuant to this part, except for special acts which shall be canvassed by the county canvassing board pursuant to F.S. § 102.141. Such canvassing shall be conducted in accordance with article V of this chapter; provided, however, that any person the subject of a recall pursuant to F.S. § 100.361, shall not participate in the canvassing of that issue.

(Code 1958, § 8-39)

### **Sec. 6-47. Campaign finance.**

- (a) Any individual, person, partnership, committee, association, corporation, or other combination of individuals having collective capacity seeking to influence the outcome of any issue election, including any efforts to have the election called, by the receipt of contributions in an aggregate amount in excess of one hundred dollars (\$100.00) or by the making of expenditures in an aggregate in excess of one hundred dollars (\$100.00), shall report such contributions and expenditures in the manner provided in F.S. § 106.07, in the case of a political committee and F.S. § 106.071, in the case of an individual making independent expenditures.
- (b) A committee circulating petitions seeking a recall election of an elected official pursuant to F.S. § 100.361, a petitioners' committee proposing an initiative pursuant to the city Charter, and a petitioners' committee proposing the repeal of an ordinance by the referendum provisions of the city Charter, shall constitute a political committee under F.S. § 106.011(1), and shall register as provided in F.S. § 106.03, prior to soliciting and collecting any petition signatures, and shall file campaign finance reports as required by F.S. § 106.07, provided such committee anticipates receiving, or does receive, contributions in the aggregate in excess of one hundred dollars (\$100.00), and anticipates making, or does make, expenditures in the aggregate in excess of one hundred dollars (\$100.00).
- (c) The city council may appropriate funds for the purpose of providing informational materials to the public in connection with any issue election, except for a recall election. The city council shall not be considered a political committee as defined in F.S. § 106.011(1), and shall not be required to file reports of any such informational expenditures pursuant to F.S. § 106.07.
- (d) Any suspected or alleged violations of F.S. ch. 106 in connection with any issue election may be transmitted to the division of elections of the Florida Department of State pursuant to the enforcement provisions of that chapter.

(Code 1958, § 8-40)

### **Sec. 6-48. Election administration.**

Any issue election called pursuant to this chapter shall be conducted and administered by the supervisor of elections under the direction of the city clerk pursuant to the procedures set forth in applicable state law or article IV of this chapter.

(Code 1958, § 8-41)

### **Sec. 6-49. City Charter amendments.**

Proposed amendments or revisions to the city Charter may, when authorized by law, be proposed and submitted to the electors in accordance with F.S. § 166.031 or the Dade County Charter, section 5.03.

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(Code 1958, § 8-42)

**Sec. 6-50. Initiative.**

- (a) Ordinances proposed by initiative shall be proposed and voted upon in the manner provided in article XVII, city Charter, and this chapter.
- (b) The city clerk shall receive all filings required by the city Charter relating to initiative. For the purpose of this section, a filing shall be made as of the time of actual receipt or receipt by mail at the office of the clerk.
- (c) The petitioners' committee shall be considered a political committee within the definition of F.S. § 106.011(1), and shall comply with all registration, reporting, and campaign finance requirements of F.S. ch. 106.
- (d) Petition blanks shall consist of one (1) sheet of paper, printed on only one (1) side, entitled "City of North Miami, Initiative Petition." The blank shall be in substantially the following form:

"City of North Miami  
Initiative Petition

The petitioners' committee listed below is proposing an ordinance by initiative The full text of the ordinance is as follows:

"This proposed ordinance, if signed by ten (10) percent of the city's electors as of the last city election, will be presented to the city council. If it is not adopted by the council, it will then be submitted to the voters, If you approve of the ordinance/or wish it to be submitted to the council and the voters, please sign below, but only if you are a registered voter of the city.

Petitioners' Committee	
	Elector's signature as appears on voter registration rolls
Name	
	Home address
Name	
	City Zip code
Name	
Name	
	Precinct number Date
Name	(if known)
Circulator's Affidavit	

I, the undersigned, personally circulated this paper, the one signature affixed was done in my presence, the signer had an opportunity to read the full text of the ordinance sought to be repealed, and I believe it to be a genuine signature.

Circulator

Sworn and subscribed before me this \_\_\_\_ day of \_\_\_\_\_, 19\_\_.



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Notary public"

- (f) Petition blanks for each issue shall be of a uniform size and shall be prepared at the expense of the petitioners' committee.

(Code 1958, § 8-43)

Charter reference(s)—Form of petition, § 175.

### **Sec. 6-51. Sufficiency of petition.**

- (a) Upon the filing of an initiative petition, the city clerk shall determine if it is sufficient as to form, content, and circulator affidavits. If not, the clerk shall promptly issue an insufficiency certificate and mail it to the petitioners' committee by registered mail. A petition deemed insufficient for any reason other than lack of the required number of signatures may not be amended or resubmitted.
- (b) A petition deemed by the clerk to be sufficient as to form, content, and circulator affidavits shall be promptly delivered to the supervisor of elections for verification of signatures pursuant to F.S. § 99.097. The random sample procedure of F.S. § 99.097(1)(b) and (2), shall not be used. The petitioners' committee shall pay the supervisor the fee for verification as required by F.S. § 99.097(4). The supervisor shall complete the verification no later than the twentieth day following the date of the filing of the petition with the city clerk, and prepare a certificate, which shall be promptly delivered to the city clerk, stating the number of signatures checked, the number verified to be registered electors of the city, and the number of signatures determined not to be of registered electors of the city. Upon receipt of the certificate, the city clerk shall compare the number of verified signatures to the number equal to ten (10) percent of the registered electors of the city as of the last regular city election, and if the number of verified signatures exceeds the requisite number, the city clerk shall issue a certificate of sufficiency, and transmit a copy by registered mail to the petitioners' committee, and deliver a copy of the certificate and the proposed ordinance to the members of the city council.

(Code 1958, § 8-43)

Charter reference(s)—Filing, examination and certification of petitions, § 176.

### **Sec. 6-52. Election on petition.**

If the city council fails to adopt a proposed initiative ordinance without any change in substance within forty-five (45) days of issuance of the certificate of sufficiency by the city clerk, it shall, no later than the forty-fifth day following issuance of the certificate of sufficiency, adopt a resolution calling an issue election to consider the proposed ordinance, and prescribing the ballot language in the manner provided in this part. The election shall be held not less than forty-five (45) days nor more than sixty (60) days after the approval of the resolution. Whenever possible, the election shall be held in conjunction with a regularly scheduled state or city election.

(Code 1958, § 8-43)

Charter reference(s)—Consideration by council, § 179.

### **Sec. 6-53. Termination of initiative petition.**

- (a) At any time prior to the fifteenth day preceding the election, no less than four (4) members of the petitioners' committee may file with the city clerk a written request under oath for withdrawal of the

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initiative petition. Upon filing, the petition shall be considered withdrawn and no longer of any effect. If the city council is considering the ordinance at the time of withdrawal, it may, in its discretion, continue such consideration. If an election has been called prior to the petition withdrawal, the city clerk shall, upon receipt of the request, transmit a notice thereof to the city council and the supervisor of elections, and the city council shall by resolution cancel the election.

- (b) If at any time prior to, or on, the sixtieth day following issuance of the certificate of sufficiency, the city council adopts the proposed initiative ordinance without any change in substance, and an issue election has previously been called for the electors to vote on that ordinance, the city council shall by resolution cancel that election.

(Code 1958, § 8-43)

**Sec. 6-54, Ordinance proposed by petition.**

- (a) If an ordinance proposed by initiative is submitted to an election, it shall be adopted if a majority of the electors voting in that election approve the ordinance. It shall be adopted as of the date the results of the election are canvassed and certified by the city council in the manner provided in article V. The effective date of the ordinance shall be the date the election results are certified or on the date set forth in the ordinance, whichever is later.
- (b) If two (2) or more ordinances are approved at the same election, and in the opinion of the city attorney two (2) or more such ordinances are in conflict, in whole or in part, the election results shall be canvassed and certified, but the ordinance in conflict receiving the largest number of affirmative votes shall be effective to the extent of the conflict, and the conflicting provisions of any other ordinance shall be considered repealed by the ordinance receiving the largest number of affirmative votes.

(Code 1958, § 843)

**Sec. 6-55. Referendum.**

- (a) A referendum to repeal an ordinance previously adopted by the city council shall be proposed and voted upon in the manner provided in article XVII, city Charter, and this chapter.
- (b) The city clerk shall receive all filings required by the city Charter relating to referendum. For the purpose of this section, a filing shall be made as of the time of actual receipt or receipt by mail at the office of the clerk.
- (c) The petitioners' committee shall be considered a political committee within the definition of F.S. § 106.911(1), and shall comply with all registration, reporting, and campaign finance requirements of F.S. ch. 106.
- (d) Petition blanks shall consist of one (1) sheet of paper, printed on only one (1) side, entitled "City of North Miami, Referendum Petition." The blank shall be in substantially the following form:

"City of North Miami  
Referendum Petition

The petitioners' committee listed below is proposing that Ordinance No. \_\_\_\_\_ adopted on \_\_\_\_\_ be repealed. The full text of the ordinance is as follows:

If this petition is signed by ten (10) percent of the city's electors as of the last city election, and the city council fails to repeal, the voters of the city will vote whether to repeal. If you want the ordinance repealed and/or submitted to the voters, please sign below, but only if you are a registered voter of the city.

Petitioners' Committee	
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	Elector's signature as appears on voter registration rolls
Name	
	Home address
Name	
	City Zip code
Name	
Name	
	Precinct number Date
Name	(if known)
Circulator's Affidavit	

I, the undersigned, personally circulated this paper, the one signature affixed was done in my presence, the signer had an opportunity to read the full text of the ordinance sought to be repealed, and I believe it to be a genuine signature.

Circulator

Sworn and subscribed before me this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

Notary public"

- (e) Petition blanks for each ordinance sought to be repealed shall be of a uniform size and shall be prepared at the expense of the petitioners' committee.
- (f) Upon the filing of a referendum petition, the city clerk shall determine if it is sufficient as to timeliness, form, content, and circulator affidavits. If not, the clerk shall promptly issue an insufficiency certificate and mail it to the petitioners committee by registered mail. A petition deemed insufficient for any reason other than lack of the required number of signatures may not be amended or resubmitted.
- (g) A petition deemed by the clerk to be sufficient as to form, content, and circulator affidavits shall be promptly delivered to the supervisor of elections for verification of signatures pursuant to F.S. § 99.097. The random sample procedure of F.S. § 99.097(1)(b) and (2), shall not be used. The petitioners' committee shall pay the supervisor the fee for verification as required by F.S. § 99.097(4), no later than the twentieth day following the date of the filing of the petition with the city clerk. The committee shall prepare a certificate which shall be promptly delivered to the city clerk, stating the number of signatures checked, the number verified to be registered electors of the city, and the number of signatures determined not to be of registered electors of the city. Upon receipt of the certificate, the city clerk shall compare the number of verified signatures to the number equal to ten (10) percent of the registered electors of the city as of the last regular city election, and if the number of verified signatures exceeds the requisite number, the city clerk shall issue a certificate of sufficiency, and transmit a copy by registered mail to the petitioners' committee, and deliver a copy of the certificate and the proposed ordinance to the members of the city council.
- (h) If the city council fails to repeal an ordinance sought to be repealed by referendum within forty-five (45) days of issuance of a certificate of sufficiency by the city clerk, it shall, no later than the forty-fifth day following issuance of a certificate of sufficiency, adopt a resolution calling an issue election and prescribing the ballot language in the manner provided in this part. The election on the proposed ordinance shall be held not less than forty-five (45) days and not more than sixty (60) days after the approval of the resolution. Whenever possible, the election shall be held in conjunction with a regularly scheduled state or city election.

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- (i) At any time prior to the fifteenth day preceding the election, no less than four (4) members of the petitioners' committee may file with the city clerk a request for withdrawal of the referendum petition. Upon filing, the petition shall be considered withdrawn and no longer of any effect. If the city council is considering the ordinance at the time of withdrawal, it may, in its discretion, continue consideration. If an election has been called prior to the petition withdrawal, the city clerk shall, upon receipt of the petition, transmit a notice thereof to the city council and the supervisor of elections, and the city council shall by resolution cancel the election.
  - (j) If an ordinance sought to be repealed by referendum is submitted to an election, it shall be repealed if a majority of the electors voting in that election approve the repeal. It shall be repealed as of the date the election results are approved and certified by the city council in the manner provided in article V of the Charter.

(Code 1958, § 8-44)

#### **Sec. 6-56. Recall.**

- (a) Pursuant to section 172 of the city Charter, the provisions of F.S. § 100.361, entitled "Municipal Recall, " are hereby adopted by reference so that the provisions thereof shall apply to the city council.
- (b) The substance of F.S. § 100.361, as incorporated in this section by reference, is hereby made applicable to the city clerk position, as well, as long as such position is an elected office. If the elected official sought to be recalled is the city clerk, then the mayor and council shall request that the chief judge of the circuit court appoint an individual to perform the duties of the clerk set forth with regard to recall procedures, and if the chief judge should decline to so do, the mayor and council shall request that the governor appoint such an individual.
- (c) The city council shall review any changes made from time to time in F.S. § 100.361, and may adopt by ordinance enacted by four-fifths of the membership of the city council any revisions to the provisions of F.S. § 100.361 which are otherwise applicable to the city.

(Code 1958, § 8-45)

#### **Sec. 6-57. Bond authorization.**

- (a) Bond ordinances may be proposed and voted upon in the manner provided in article V of the Charter and this chapter.
- (b) An election to approve the issuance of bonds or other forms of indebtedness may be called and conducted pursuant to F.S. §§ 100.281 through 100.341 and this chapter to the extent not in conflict with state law.
- (c) No bond referendum shall be limited to voting by freeholders. Any registered elector residing within the city shall be qualified and eligible to vote in bond referenda, provided such elector has registered no less than thirty (30) days prior to the date of the election.
- (d) Any person, group, association, or corporation, seeking to influence the results of a bond referendum shall register as a political committee pursuant to F.S. § 106.03, prior to receiving any contributions or making any expenditures relating to such referendum in excess of one hundred dollars (\$100.00) in the aggregate.

(Code 1958, § 8-46)

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**Sec. 6-58. Involuntary annexation.**

- (a) A referendum on the involuntary annexation of land adjacent to the corporate limits shall be held and conducted pursuant to F.S. § 171.0413, and the provisions of this chapter to the extent not inconsistent with that statute.
- (b) The city council shall call an annexation referendum by the adoption of an ordinance describing the land to be annexed and setting the date for the election. A certified copy of the ordinance shall be delivered to the supervisor of elections by the city clerk. The ordinance shall be effective upon approval by both the electors of the city and the area sought to be annexed.
- (c) The annexation referendum election shall be administered by the supervisor of elections who shall report the results of the election as to both the city and the area sought to be annexed. The city council shall serve as the canvassing board and certify the results of the election.
- (d) Nothing in this section shall purport to waive any applicable mandatory requirements of section 5.04 of the Dade County Charter or to impose requirements beyond those of such charter if applicable.

(Code 1958, § 8-47)

**Sec. 6-59. Straw ballot.**

- (a) The city council may at any time, by resolution, call a special election for the purpose of having the electors of the city vote on an issue in a nonbinding referendum. The resolution shall call the election, set the date therefor, and prescribe the ballot language. The city clerk shall cause a notice of election to be published in accordance with law.
- (b) The election may be held in conjunction with a regularly scheduled state or city election or at such other time as provided by the city council.
- (c) The campaign finance provisions of F.S. ch. 106 shall apply to elections called pursuant to this section to the extent required by law.
- (d) The city council shall canvass and certify the results of the election as provided in article V.

(Code 1958, § 8-48)

**Sec. 6-60. Other issues.**

An election on any issue not otherwise provided for in this part shall be conducted in such manner as provided in the ordinance or resolution calling the election.

(Code 1958, § 8-49)

**Sec. 6-61. Prohibited practices.**

- (a) Any person knowingly signing a petition more than one (1) time shall be in violation of F.S. 104.185.
- (b) Any circulator falsely executing the affidavit on any petition blank shall be in violation of F.S. § 104.011.
- (c) Any person who by bribery, menace, threat, or other corruption whatsoever, directly or indirectly, attempts to, or does in fact, influence, deceive, or deter any elector, or in any way interferes with any elector, in the free exercise of his or her right to sign or not sign a petition shall be guilty of a violation of this subsection and punishable as provided in section 1-11.

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- (d) Any person who shall directly or indirectly give or promise anything of value to another intending thereby to buy that individual's or another's signature on a petition, or to corruptly influence another in signing or not signing a petition, shall be guilty of a violation of this subsection and punishable as provided in section 1-11 of this Code.

(Code 1958, § 8-50)

### **Sec. 6-62. Removal of names.**

Any person may request the removal of his or her name from a previously executed petition prior to the filing of the petition with the city clerk. The responsibility for removal of any name pursuant to a request shall be that of the petitioner's committee and failure to promptly do so when requested shall be a violation of this section and punishable as provided in section 1-11.

(Code 1958, § 8-51)

### **Secs. 6-63—6-75. Reserved.**

## ***ARTICLE IV. ELECTION ADMINISTRATION***

### **Sec. 6-76. Dates of elections.**

- (a) Regular elections to fill the office of mayor, city councilmember or city clerk shall be held in odd-numbered years, on the second Tuesday in May.
- (b) In the event no candidate receives a majority of the votes cast in the regular election, a runoff election between the two (2) candidates receiving the largest number of votes for a seat shall be held in odd-numbered years, on the first Tuesday in June. Any subsequent runoff election shall be held in exactly three (3) weeks thereafter.

(Code 1958, § 8-61(a), (b); Ord. No. 1349, § 1, 2-12-13)

Charter reference(s)—Municipal election dates, § 164.

#### **Sec. 6-76.1. Early voting.**

- (a) *Early voting.* The following provisions shall apply to early voting in all municipal elections:
- (1) Pursuant to F.S. § 100.3605(1), it is hereby provided that commencing with the May 2005 municipal election, all municipal runoff elections are hereby exempted from the provisions of F.S. § 101.657(1)(b), which provides for early voting to begin on the 15th day before an election and end on the day before an election and provides other operational restrictions.
  - (2) Early voting for all regular municipal elections shall begin on the 15th day before an election and end on the day before an election. In lieu of the above-described provisions of F.S. § 101.657(1)(b), it is hereby established that early voting for any municipal runoff election shall be provided on specified days, as approved by the Miami-Dade County Supervisor of Elections, immediately before all municipal runoff elections.
  - (3) Early voting shall be provided for up to eight (8) hours on each week day early voting is established, and eight (8) hours in the aggregate for each weekend during the applicable periods.

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- (4) The remaining paragraphs of F.S. § 101.657, exclusive of paragraph (1)(b) thereof, shall continue to apply to all municipal elections, as provided by law.
  - (5) Notwithstanding the foregoing, the city council may, by Resolution, adopted in advance of any future municipal election, alter the days and times for early voting from that which is provided above.
  - (b) *Supervisor of elections.* The city clerk, as the supervisor of all municipal elections, is hereby authorized to take any action which is necessary or expedient to implement "early voting" in accordance with the provisions of this section and the requirements and procedures of the Miami-Dade County Elections Department.

(Ord. No. 1179, § 1, 4-12-05)

#### **Sec. 6-77. Vacancies.**

- (a) A special election to fill a vacancy in the office of city council member or mayor shall be held on the date set forth in the resolution by the city council calling the election pursuant to section 171 of the Charter.
- (b) A vacancy in the office of city clerk shall be filled as provided in section 208 of the Charter.

(Code 1958, § 8-61(c), (d))

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

- (a) Pursuant to Section 5 of the Charter of the City of North Miami, four (4) single-member districts are hereby created for the election of four (4) city council members, one (1) member from each district, with each district to be designated as District 1, District 2, District 3, and District 4.

The specific descriptions of each of the single member districts are as set forth in the Single Member District Map and accompanying 1990 U.S. Census Block descriptions attached hereto as Exhibit "A" and incorporated herein.

- (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 a state government issued identification (ID) plus 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 qualifying. For purposes of meeting the residency requirements of this section sublease agreements are unacceptable.
  - (3) In addition to any other penalties which may be applicable, any person who knowingly misrepresents their legal residency and/or who knowingly makes a false statement in writing regarding their residency, shall be guilty of perjury, a second degree misdemeanor pursuant to F.S. § 837.06, punishable as provided in F.S. §§ 775.082 or 775.083.
  - (4) As provided below, each candidate for city council shall run in one (1) of the four (4) districts designated as districts 1, 2, 3, and 4. Pursuant to section 5 of the City Charter, the mayor shall continue to be elected at-large.

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- (c) On the second Tuesday in May 1993 and on the second Tuesday in May every four (4) years thereafter, the city council members for District 2 and District 3 shall be elected. On the second Tuesday in May 1995 and on the second Tuesday in May every four (4) years thereafter, the city council members for District 1 and District 4 shall be elected. The terms for the council members elected shall end on the fourth Tuesday of May of the fourth year of their term or when their successors in office are elected and sworn into office.
  - (d) As provided herein, the four (4) single-member district mechanism of election shall be first implemented at the election to be held on the second Tuesday of May 1993. Those two (2) council members elected under the at-large system prior to November 3, 1992 and holding office beyond the date of such May 1993 election process period shall continue to serve as at-large council members until the May 1995 election process period, at which time their successors shall be elected under the single-member district system to be implemented pursuant to this section, thereby completing the transition from an at-large system to the single-member district system. It is the intention of this section to provide for a smooth transition from the at-large system to the single-member district system, as specifically required by City Charter Section 5.
  - (e) A council member candidate must reside in the district for which he or she is seeking to be elected under the single-member district system, at the time of qualification and thereafter. A council member who changes residence to a location outside of his or her single-member district shall immediately vacate such office, and such vacancy shall be filled pursuant to Section 171 of the City Charter.
  - (f) In the event that a single-member district boundary is unable to be altered to conform to an annexation of municipal territory by the date of a city election, any qualified elector residing within the area annexed shall be eligible to vote in the city election in a single-member district to be assigned by the city clerk, if applicable.
  - (g) The planning commission shall review the official U.S. Census result anticipated to be available in the year 2000 and thereafter and shall recommend any necessary revision to the single-member district configuration upon the basis of such review.

(Ord. No. 896, § 1, 2-23-93; Res. No. 99-72, §§ 1—11, 11-23-99; Ord. No. 1275, § 1, 2-24-09; Ord. No. 1422, § 1, 4-10-18)

## **Sec. 6-79. Polling places.**

- (a) For municipal elections, whether general or special, or for issues or for election of candidates, the voting precincts currently utilized by Metropolitan Dade County for county-wide elections, within which there are City of North Miami municipal electors residing and qualified to vote in such municipal election, shall be utilized as the election precincts, within each of which at least one polling place shall be located, for such city elections unless otherwise specified by the city council by resolution for a specific election.

The city council, upon recommendation of the city clerk, may, by resolution, consolidate one or more of the county voting precincts, which serves as the City of North Miami election precincts, within each of the single member districts, provided that each single member district shall contain at least three (3) polling places and that any voting precinct with at least one thousand (1,000) registered voters shall have its own polling place.

- (b) Whenever necessary, polling place locations may be temporarily changed in the manner provided in F.S. §§ 101.71(2) and (3), and 101.74.
- (c) Each polling place shall, whenever possible, be accessible to the handicapped and comply with the standards of accessibility set forth in F.S. § 101.715(1).
- (d) The polling place shall be arranged in the manner prescribed in F.S. § 101.37.

(Code 1958, § 8-63; Ord. No. 827, § 3, 6-26-90; Ord. No. 935, § 1, 7-11-95)



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## **Sec. 6-80. Voting machines.**

Voting machines may be used in each city election. The machines shall be owned by Dade County and supplied by the supervisor of elections unless the city is using machines on an experimental basis as authorized by F.S. § 101.31.

(Code 1958, § 8-64(a))

## **Sec. 6-81. Ballots.**

- (a) The form of the ballot in elections for mayor, city council member or city clerk shall be in substantially the same form as the form of the ballot for the state general election ballot prescribed in F.S. § 101.191.
- (b) Ballots shall be prepared by the supervisor of elections of Dade County pursuant to instructions from the city clerk and in accordance with state law and this chapter.
- (c) A sample ballot shall be published in a newspaper of general circulation prior to the day of the election, but no more than ten (10) days prior to the election. The city clerk shall see to the publication of the sample ballot. Such publication shall be conspicuous and not be included within the legal notices and advertisements being published pursuant to F.S. ch. 50.

(Code 1958, § 8-65)

## **Sec. 6-82. Poll workers.**

- (a) At each polling place there shall be a sufficient number of poll workers to handle the anticipated number of voters. The supervisor of elections and city clerk shall determine and appoint the necessary number of poll workers prior to the date of the election. The city clerk may appoint the poll workers for any city election; provided, however, when a city election is held in conjunction with a state or county election conducted by the supervisor of elections, the poll workers shall be those appointed by the supervisor of elections of Dade County.
- (b) All poll workers for a city election shall have completed training classes conducted by the supervisor of elections of Dade County.
- (c) One (1) poll worker in each precinct shall be designated the precinct clerk and shall be in charge of, and responsible for, the conduct of the election at that polling place.
- (d) One (1) poll worker in each precinct shall be designated the precinct deputy clerk and shall assist the clerk in the conduct of the election at that polling place.
- (e) One (1) poll worker in each precinct shall be designated the deputy sheriff who shall be present during the time that the polls are open and until the election is completed, and who shall be subject to the lawful commands of the clerks or inspectors, and shall retain good order at the polling place.
- (f) Poll workers shall conduct the election, and at the close of the polls ascertain the results for the precinct in the manner provided in F.S. chs. 101 and 102 to the extent not inconsistent with this chapter, and report the results in the manner directed by the city clerk. Electors shall cast their votes in the manner provided in F.S. ch. 101.
- (g) Poll workers shall be paid such compensation for their services as may be determined by the supervisor of elections of Dade County and the city clerk.

(Code 1958, § 8-66; Ord. No. 827, § 4, 6-26-90; Ord. No. 896, § 2, 2-23-93)

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**Sec. 6-83. Absentee voting.**

- (a) An elector may request an absentee ballot and cast an absentee vote in any city election, provided the elector satisfies the definition of absentee voter as provided in section 6-1.
- (b) An absentee ballot may be requested in the manner provided in F.S. § 101.62 and voted in accordance with F.S. §§ 101.64 through 101.67.
- (c) Absentee ballots for any city election must be requested from, and returned to the supervisor of elections of Dade County or the city clerk's office and, after canvassing, received and kept by the city clerk.
- (d) Absentee ballots shall be canvassed by the city council in the manner provided in F.S. § 101.68.

(Code 1958, § 8-67; Ord. No. 827, § 5, 6-26-90)

**Secs. 6-84—6-95. Reserved.*****ARTICLE V. CANVASSING; PROTESTS AND CONTESTS*****Sec. 6-96. Canvassing board.**

- (a) For any city election, the city council shall be the canvassing board. No council member may participate in the canvassing of the returns of the election for the seat for which the councilmember was a candidate, or was subject to recall. In the event the canvassing board is comprised of an even number of councilmembers, the Miami-Dade County Supervisor of Elections shall appoint an individual to serve on the canvassing board.
- (b) The council shall convene as a canvassing board no later than the third day following the election. Provided, however; for any city election when such election is held in conjunction with a state or county election conducted by the supervisor of elections of the county, the council shall convene no later than the next regularly scheduled city council meeting. At that time the city clerk shall present the returns by district and seat or issue.
- (c) The council shall canvass the returns in accordance with F.S. § 102.141(3), and canvass absentee ballots in accordance with F.S. § 101.68.
- (d) At such time as the council has canvassed the returns, disposed of any challenges thereto, and ascertained and certified the results, the city clerk shall issue a certificate of election to each candidate elected and shall issue and file a certificate of election for each issue.

(Code 1958, § 8-70; Ord. No. 841, § 3, 2-26-91; Ord. No. 935, § 2, 7-11-95; Ord. No. 1076, § 1, 1-23-01)

Cross reference(s)—Boards, committees, commissions, § 2-31 et seq.

**Sec. 6-97. Recounts.**

- (a) In its discretion, the city councilmembers serving as the canvassing board may order a recount of the returns of any election prior to the final certification of the results.
- (b) If the returns for any office reflect that a candidate was defeated or eliminated by one-half (½) of a percent or less of the votes cast for such office, that a council member subject to recall was retained or not retained by one-half (½) of a percent or less of the votes cast on the question of recall, or that an issue appearing on the ballot was approved or rejected by one-half (½) of a percent or less of the votes cast on such measure,

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the canvassing board shall order a recount of the votes cast with respect to such office or issue. A recount need not be ordered with respect to the returns for any office, if the candidate or candidates defeated, recalled or eliminated form [from] contention for such office by one-half (½) of a percent or less of the votes cast for such office request in writing that a recount not be made. The canvassing board shall examine the counters on the machines or the tabulation of the ballots cast in each district in which the office or issue appearing on the ballot and determine whether the returns correctly reflect the votes cast. If there is a discrepancy between the returns and the counters of the machines or the tabulation of the ballots cast, the counters of such machines or the tabulation of the ballots cast shall be presumed correct and such votes shall be canvassed accordingly.

- (c) Upon request of any candidate for good cause shown, the canvassing board may prior to the final certification of results, order a recount in whole of the election in which that candidate participated. Upon request of any elector for good cause shown, the canvassing board may, prior to final certification of results, order a recount of any issue election.

(Code 1958, § 8-71; Ord. No. 1076, § 2, 1-23-01)

### **Sec. 6-98. Protest.**

A candidate or any elector qualified to vote in the election related to such candidacy may file a protest of the election returns pursuant to F.S. § 102.166 in the form prescribed in F.S. § 102.167. The canvassing board shall consider the protest as provided in F.S. § 102.166(1) if filed with the board.

(Code 1958, § 8-72)

### **Sec. 6-99. Contest.**

- (a) An unsuccessful candidate may contest the results of the election in which he or she participated as provided in F.S. § 102.168.
- (b) A taxpayer of the city may contest the results of any question or issue submitted to a vote of the electors as provided in F.S. § 102.168.
- (c) If the unsuccessful candidate filing a contest is determined to be entitled to the office, and some other individual has been issued a certificate of election or entered upon the duties of the office, a judgment of ouster may be entered by the circuit court and the contestant shall assume that office.
- (d) If a judgment is entered setting aside an issue election, the election shall be regarded as having been void.

(Code 1958, § 8-73)

### **Secs. 6-100—6-110. Reserved.**

## **ARTICLE VI. UNFAIR CAMPAIGN PRACTICES**

### **Sec. 6-111. Ethical campaign practices.**

- (a) *Applicability of ethical campaign practices ordinance.* The ethical campaign practices ordinance shall apply to candidates, the candidate's campaign treasurer and their respective paid campaign staffs, for the office of city council, city clerk or mayor of the city. This section shall also apply, on a voluntary basis, to candidates, the candidate's campaign treasurer and their respective paid campaign staffs, for any elective office with a

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constituency in whole or in part in the city who agree to abide by fair campaign practices provided in subsections (c) and (d) below. Candidate means any person to whom any one (1) or more of the following applies:

- (1) Any person who receives contributions or makes expenditures, or gives consent for any other person to receive contributions or make expenditures, with a view to bringing about an election to, or retention in, public office.
  - (2) Any person who appoints a treasurer and designates a primary depository.
  - (3) Any person who files qualification papers and subscribes to a candidate's oath as required by law.
- (b) *Miami-Dade County Commission on Ethics and Public Trust.* The Miami-Dade County Commission on Ethics and Public Trust (Ethics Commission) shall have jurisdiction over the ethical campaign practices ordinance. The ethics commission shall be empowered to review, interpret, render advisory opinions and letters of instruction and enforce the mandatory and voluntary fair campaign practices provided in subsections (c) and (d).
- (c) *Mandatory fair campaign practices.*
- (1) Prohibitions. A candidate, the candidate's campaign treasurer and the paid campaign staff, for the office of city council, city clerk or mayor of the city shall not:
    - a. Maliciously make or cause to be made any untrue oral statement about another candidate, a family member or staff member which exposes any person to hatred, contempt, or ridicule or causes any person to be shunned or avoided, or injured in any business or occupation;
    - b. Maliciously publish or cause to be published by writing, printing, picture, effigy, sign or otherwise than by mere speech any untrue statement about another candidate, a family member or staff member which exposes any person to hatred, contempt, or ridicule or causes any person to be shunned or avoided, or injured in any business or occupation;
    - c. Willfully injure, deface or damage or cause to be injured, defaced or damaged by any means any campaign poster, sign, leaflet, handbill, literature or other campaign material of another candidate;
    - d. Knowingly obtain, or cause to be obtained the campaign property of another candidate with the intent to temporarily or permanently deprive the candidate of a right to the property; or
    - e. Knowingly file with the ethics commission a groundless or frivolous complaint against another candidate.
  - (2) Agreement to abide by mandatory fair campaign practices. A candidate for any elective office with a constituency in whole or in part in the city who is not required to comply with the mandatory fair campaign practices as provided in subsection (c) may at any time declare to agree and abide by the mandatory fair campaign practices, and recognize as compulsory the jurisdiction of the ethics commission (a) to decide whether the candidate has violated the mandatory fair campaign practices and, if so, (b) to impose the appropriate penalty, if any. The declaration shall be on a form approved by the ethics commission and shall be irrevocable. Copies of the declaration form shall be on file with the ethics commissions, the Miami-Dade County Supervisor of Elections and the city clerk.
  - (3) Penalties. In addition to any other penalty provided by law, a finding by the ethics commission that a candidate or a staff member has violated one (1) or more of the mandatory fair campaign practices shall subject the candidate, a staff member, or both, to an admonition or public reprimand and/or a fine of five hundred dollars (\$500.00) for the first violation and one thousand dollars (\$1,000.00) for each subsequent violation.
- (d) *Voluntary fair campaign practices.*

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- (1) Statement of fair campaign practices. The following voluntary Statement of fair campaign practices shall guide candidates for public office in the city:

STATEMENT OF FAIR CAMPAIGN PRACTICES

As a candidate for public office in the City of North Miami, I believe that political issues can be freely debated without appealing to racial, ethnic, religious, sexual or other prejudices. I recognize that such negative appeals serve only to divide this community and create long-term moral, social and economic problems.

Therefore, I and members of my campaign staff:

1. Shall not make my race, religion, national origin, gender, physical disability or sexual orientation an issue in my campaign.
  2. Shall not make my opponents' race, religion, national origin, gender, physical disability or sexual orientation an issue in my campaign.
  3. Will condemn any appeal to prejudice based on race, religion, national origin, gender, physical disability or sexual orientation.
  4. Shall not without just cause attack or question my opponent's patriotism.
  5. Shall not publish, display or circulate any anonymous campaign literature or political advertisement.
  6. Shall not tolerate my supporters engaging in these activities which I condemn nor shall I accept their continued support if they engage in such activities. I will not permit any member of my campaign organization to engage in these activities and will immediately and publicly repudiate the support of any other individual or group which resorts to the methods and tactics I condemn.
  7. Shall run a positive campaign emphasizing my qualifications for office and positions on issues of public concern.
  8. Will limit remarks on an opponent to legitimate challenges to that person's record, qualifications, and positions.
  9. Will neither use nor permit the use of malicious untruths or innuendoes about an opponent's personal life, nor make or condone unfounded accusations discrediting that person's credibility.
  10. Will take personal responsibility for approving or disavowing the substance of attacks on my opponent that may come from third parties supporting my candidacy.
  11. Will not use or permit the use of campaign material that falsifies, distorts, or misrepresents facts.
- (2) Agreement to abide by statement of fair campaign practices. A candidate for public office in the city as described in subsection (a) may at any time declare to abide by the statement of fair campaign practices, and to recognize as compulsory the jurisdiction of the ethics commission (a) to decide whether the candidate has violated the statement of fair campaign practices and, if so, (b) to impose the appropriate penalty. The declaration shall be on a form approved by the ethic commission and shall be irrevocable. Copies of the declaration form shall be on file with the ethics commission, the Miami-Dade County Supervisor of Elections and the city clerk. Declarations shall be filed with the ethics commission.
- (3) Penalty. In addition to any other penalty provided by law, a finding by the ethics commission that a candidate has violated one (1) or more of the voluntary fair campaign practices shall subject the candidate to an admonition or public reprimand.

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- (e) *Procedure.* The procedures provided in Chapter 2, Article XI of the City Code of North Miami shall govern all complaints or requests for advisory opinions brought pursuant to the ethical campaign practices ordinance. No action may be taken on a complaint filed more than one (1) year after the violation is alleged to have occurred unless a person, by fraud or other device, prevents discovery of the violation.

(Code 1958, § 8-84; Ord. No. 1093, § 1, 10-9-01)

#### **Sec. 6-112. Reserved.**

Editor's note(s)—Ord. No. 1093, § 2, adopted Oct. 9, 2001, repealed § 6-112 in its entirety. Formerly said section pertained to unfair campaign practices. The user of this Code is directed to § 6-111 for similar provisions. See the Code Comparative Table.

#### **Sec. 6-113. Prohibited acts and practices.**

Those acts and practices prohibited in F.S. ch. 104 shall be prohibited in all elections conducted pursuant to this chapter, and shall be punishable as provided in F.S. ch. 104.

(Code 1958, § 8-86)

#### **Sec. 6-114. Signs.**

- (a) Except as it relates to special elections and recall elections, political campaign signs shall be placed no earlier than ninety (90) days before any election date. All political signs must be removed within thirty (30) days after the election to which they pertain.
- (b) Political signs shall only be permitted on private property by the owner or lessee thereof, or with the written consent of the owner or lessee. At no time are political signs permitted to be posted on public property and/or public right of ways. No political signs may be posted within the city until the candidate posts, by check, a two hundred and fifty dollar (\$250.00) cash bond. Such bond shall be refunded after the election at the candidate's request provided a city inspection verifies that all the candidate's signs have been removed. No permit or fee, however, shall be charged for political signs. Political signs placed in violation to the provisions of paragraphs (a) and (b) shall be subject to removal and/or civil penalties as set forth in section 2-110 of this Code of Ordinances.
- (c) It shall be unlawful for anyone other than the candidate or political committee to alter, destroy, or remove a political sign of a candidate or political committee, other than its removal by a city, county or state employee enforcing a state law or ordinance of the city or county, unless authorized by the candidate or his/her designee. Any person violating this provision shall be subject to arrest for criminal mischief pursuant to F.S. § 806.13.

(Code 1958, § 8-87; Ord. No. 827, § 6, 6-26-90; Ord. No. 1176, § 1, 2-22-05; Ord. No. 1315, § 1, 3-8-11)

Cross reference(s)—Zoning, App. A.