

ORDINANCE NO. 1512

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 SECTION 6-22 TO CHANGE THE ALTERNATIVE METHOD OF QUALIFYING BY PETITION AND TO CHANGE THE DEADLINE FOR SUBMISSION OF CANDIDATE PETITIONS; PROVIDING FOR REPEAL, CONFLICTS, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.

WHEREAS, in accordance with Section 6-21 of the City Code, candidates for office must qualify by submitting a qualification fee in the sum of five (5) percent of the yearly salary a councilmember is then entitled to receive; and

WHEREAS, Section 6-22 of the City Code provides for an alternative method of qualifying by the submission of a petition containing the signatures of city electors equal in number to three (3) percent of the total registered electors of the city; and

WHEREAS, it is burdensome to require candidates for specific council districts to obtain signatures Citywide; and

WHEREAS, to ensure that there is no barrier to candidates running for council district offices, it is recommended that the alternative method of qualifying be amended to lower the number of required signatures from three percent (3%) of all city electors to three percent (3%) of the electors in the geographical areas of the candidate office sought; 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, candidate petitions must be submitted no later than July 26, 2024; and

WHEREAS, to ensure compliance with the deadlines set forth by Miami-Dade County's Supervisor of Elections, the City must amend Section 6-22 of the City Code so that rather than submitting candidate petitions no later than forty-five (45) days prior to the election date, candidate petitions shall be submitted one hundred thirteen (113) days prior to the election date; and

WHEREAS, the Mayor and City Council have reviewed the proposed amendments and are desirous of changing the City's alternative method of qualifying and the deadline for submission of candidate petitions.

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 Section 6-22 as follows:

CHAPTER 6. ELECTIONS

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ARTICLE II. CANDIDATES

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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 ~~of the city~~ 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 ~~forty-fifth~~ 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 Miami-Dade County for signature verification pursuant to F.S. § 99.097. The Supervisor of Elections 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 Miami-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 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.

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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 26th day of September, 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 10th day of October, 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: COUNCILWOMAN TIMOTHE AND CITY CLERK

Moved by: Charles

Seconded by: Timothe

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~~.