

Chapter 6 ELECTIONS¹

Sec. 6-1. Adoption of state laws.

All general laws of the state relating to elections and to the registration of persons qualified to vote therein which are not inconsistent or in conflict with the provisions of this chapter or of the Town Charter are hereby adopted as a part of this chapter.

(Ord. No. 884, § 2, 8-10-09)

Sec. 6-2. Time and manner of qualification of candidates.

The time and manner for qualification of candidates for election to the office of councilperson shall be as follows:

- (a) *Council election.* The regular election of the members of the town council shall be held on the first Tuesday in April in each and every year. In the event the first Tuesday in April falls on a religious holiday or a disaster of some kind, the town council may, by majority vote, direct that the election in that particular year be held on another date in April. All candidates for the office of councilperson shall, not less than 20 days nor more than 40 days prior to the election for such office, comply with the qualification requirements of this section.
- (b) *Residency requirement.* All candidates for the office of councilperson shall be qualified permanent residents and registered electors of the town for at least six months prior to the election.
- (c) *Filing fee.* A candidate for election to the office of councilperson is required to pay to the town clerk a filing fee in the amount of \$10.00 at the time of filing the sworn statement of candidacy with the town clerk.
- (d) *Election assessment.* A candidate for election to the office of councilperson shall file the additional election assessment imposed by F.S. § 99.093(1) at the time of filing the sworn statement of candidacy with the town clerk.
- (e) *Election packets.* Any person desiring to obtain an election packet for candidates, as prepared by the town clerk and county supervisor of elections, shall pay a nonrefundable fee to the town for the cost of preparation of such packet, in accordance with F.S. § 119.07.
- (f) *Sworn statement of candidacy.* A candidate for election to the office of councilperson shall file a sworn statement of candidacy with the town clerk in substantially the following form:

"Town Clerk
Town of Bay Harbor Islands
Miami- Dade County, Florida

I herewith make application to have my name placed on the official ballot as a candidate for the office of Councilperson of the Town of Bay Harbor Islands, Florida, at the regular election to be held on _____ and accordingly tender herewith the qualifying fee of \$10.00, and under oath I say that I am a citizen of the United States, the State of Florida, and the County of Miami-Dade; that I am a permanent resident and a duly registered voter of the Town of Bay Harbor Islands and have been or will otherwise be for at least six (6) months prior to the election; that I am qualified under the Constitution and the laws of Florida to hold the office of Councilperson; that I have taken the oath required by §§ 876.05—876.10, Florida Statutes; that I

have not violated any of the laws of the state relating to elections or the registration of electors; that I have qualified for no other public office in the state, the term of which office or any part thereof runs concurrently with that of the office of Councilperson; that I have resigned from any office from which I am required to resign pursuant to § 99.012, Florida Statutes; that I have submitted a sworn statement of contributions and expenditures, if any, prior to the time of qualifying and since the last preceding general election; and that I have filed a statement of financial interest pursuant to § 112.3145, Florida Statutes.

Affiant

"Sworn to and subscribed before me this _____ day of _____ A.D. 20____.

Notary Public

* * * * *

Date

"Receipt of \$10.00 qualification fee acknowledged.

Town Clerk"

(Ord. No. 884, § 2, 8-10-09)

Sec. 6-3. Form of ballots.

The ballots used in any town election held under the authority of the Town Charter or Town Code or other ordinances of the town shall be without party mark or designation and without any insignia or mark of any association or organization thereon and shall be substantially in the same form as the election ballot used in all general state elections.

(Ord. No. 884, § 2, 8-10-09)

Sec. 6-4. No early voting.

Pursuant to F.S. § 100.3605(1), it is hereby provided that commencing with the April 2005 municipal election for the town council, all council elections are hereby fully exempted from the provisions of F.S. § 101.657 concerning early voting. Early voting shall not be provided for municipal elections, special elections or town charter amendment elections.

(Ord. No. 884, § 2, 8-10-09)

Sec. 6-5. Supervisor of elections.

The town clerk is hereby appointed supervisor of elections for the town and is hereby assigned all appurtenant duties thereto. The town clerk is authorized to obtain any necessary assistance from the Miami-Dade County Supervisor of Elections office or successor agency.

(Ord. No. 884, § 2, 8-10-09)

Sec. 6-6. Town Charter amendments.

- (a) *Purpose.* In accordance with Town Charter section 81, this Code section shall prescribe the method of proposing Charter amendments to the town's electors in a manner consistent with the provisions of section 6.03 of the Miami-Dade County Charter (the "County Charter").

(Ord. No. 884, § 2, 8-10-09)

- (b) *Charter amendment proposed by town council.* The town council may propose amendments to the Charter by council resolution. The council resolution shall provide the full text of the proposed Charter amendment, the proposed ballot question, the form for publication of the notice of election, and shall call the election for a date certain. The council resolution shall be drafted by the town attorney in the same manner in which the town attorney drafts other council resolutions.
- (c) *Charter amendment proposed by electors.* Electors of the town may propose Charter amendments by petition, as authorized by County Charter section 6.03. A Charter amendment proposed by petition of electors which meets the requirements of County Charter section 6.03 shall be submitted to the electors of the town pursuant to council resolution. Where a lawful petition for amendment of the Town Charter is certified by the Miami-Dade County Supervisor of Elections or any successor agency as having sufficient signatures of qualified electors to submit the Charter amendment to the town's electorate, which petition contains the essential ingredients of the proposed Charter amendment but does not contain a draft of the full text of the proposed Charter amendment, it shall be the responsibility of the Town to have drafted the proposed Charter amendment pursuant to the following methods and guidelines:
- (1) The town attorney shall be empowered to draft the full text of the Charter amendment proposal upon finding that the petition contains the essential ingredients of the proposed Charter amendment.
 - (2) In drafting the Charter amendment proposal, the town attorney shall seek to relate the proposal to the existing Charter grammatical organizations, i.e.: articles, sections and subsections, where the same are identifiable from the petition contents. Said Charter amendment draft shall show additions through underlined language and deletions by language which is stricken through, in the usual town legislative format.
 - (3) The full text of the proposed Charter amendment shall be drafted clearly in order to convey the expressed intent of the petition.
 - (4) Where an existing article, section, subsection or other grammatical subdivision is not identified in the language of the Charter amendment petition, the Charter amendment proposal drafted may contain new articles, sections, subsections and other subdivisions.

The proposed Charter amendment which is provided pursuant to this paragraph (c), shall be presented to the town council for approval for the purpose of submission to the electors, by council resolution. The council resolution shall be adopted no later than the date necessary in order to meet the time requirements for submission of the measure to the electorate in accordance with section 6.03 of the County Charter. The council resolution shall also set forth the ballot question(s) in accordance with F.S. § 101.161, provide for notice of election in accordance with F.S. § 100.342, and shall direct the placement of the ballot question(s) on the appropriate election ballot.

(Ord. No. 884, § 2, 8-10-09)

Sec. 6-7. Canvassing of election returns; certificates of election.

The result of all municipal elections shall be certified by return in duplicate, and signed by the members of the canvassing board, which shall meet immediately after the elections. The members of the canvassing board shall include the town clerk, the town manager and the Miami-Dade County Supervisor of Elections, or his or her representative. The certified return shall be delivered to the town council. The town council shall furnish a certificate of election to each person shown to have been elected.

(Ord. No. 884, § 2, 8-10-09)

Sec. 6-8. Filling of vacancies.

The filling of vacancies which occur during the term of councilpersons shall be conducted in accordance with section 24 of the Town Charter.

(Ord. No. 884, § 2, 8-10-09)