

EXHIBIT A

Chapter 18 ELECTIONS¹

Sec. 18-1. State law and Charter to govern elections.

- (a) All matters concerning the publication of notice of election, the appointment of inspectors and clerks of election and publication of such appointment, the preparation and fixing of polling places, the opening and closing and conduct of the polls, the preparation and operation of voting machines, the preparation, voting and counting of ballots, including absentee ballots, the casting of votes, the canvass of ballots or votes, the proclamation of results and returns of the election, the certificate of result of canvass, and all other matters pertaining to elections not specifically provided for herein shall be in accordance with the general law of the state and with the Charter.
- (b) Notwithstanding any provision in this Code to the contrary, a resolution calling for a municipal election where the ballot question at such proposed election is a "straw ballot question," namely, a question that has no binding or obligatory effect regardless of the voters' approval or disapproval of such question, shall be adopted not less than 60 days prior to the date of such proposed election.

(Code 1958, § 10-10; Code 1991, § 9-1; Code 2006, § 22-1; Ord. No. 524, § 10, 2-4-1947; Ord. No. 1835, § 7, 3-24-1970)

Sec. 18-2. Canvass of returns; duty of commission; declaration of results.

- (a) The city commission shall be the judge of the election and qualification of its own members. As soon after an election as may be, the commission shall canvass the returns and declare the results prior to 12:00 noon of the third day following such general election. The candidate receiving a majority of the votes in each group shall be considered elected. In any election for Groups One through Five, if a majority of the vote is not received by any one candidate of a group, a run-off between the two candidates receiving the most votes in the respective group shall be held ~~two~~ four weeks after the general election, on a Tuesday. The candidate receiving the most votes in the run-off shall be considered elected. The mayor and commissioners shall take office at noon on the ~~third~~ fifth Friday after the general election. No run-off election shall be required when a candidate receives a majority of the vote or if a candidate is unopposed in the run-off election.
- (b) Any person seeking to run for the office of mayor or as a city commissioner who is unable to pay the qualification fee without imposing an undue burden on personal appearances or on resources otherwise available to him or her, shall, upon written notification of such inability given under oath to the city clerk, be exempt from paying the qualifying fee.
- (c) When required by the Miami-Dade County Supervisor of Elections the Miami-Dade County canvassing board shall serve as the city's canvassing board, otherwise, the canvassing of absentee ballots shall be conducted by a canvassing board composed of three members, which shall include two members of the city commission who are not candidates with opposition in the election being canvassed, and the city clerk or his or her designee from the city clerk's office.

¹State law reference(s)—Election code, F.S. ch. 97 et seq.

- (d) If sufficient members of the city commission are not eligible to serve on the canvassing board, the city commission shall appoint as a substitute member a qualified elector of the city who is not a candidate with opposition in the election being canvassed, and who is not an active participant in the campaign or candidacy of any candidate with opposition in the election being canvassed. City commission may appoint alternate members to the canvassing board by resolution and may delegate to an appropriate official, the appointment of a replacement in the event of an emergency where there is insufficient time for the city commission to appoint a replacement.
- (e) The canvassing board shall meet at a time and place to be designated by the city clerk after 7:00 a.m. the day of the election to publicly canvass the absentee electors' ballots.
- (f) A chairperson shall be selected by the canvassing board.
- (g) Criteria for the selection of the valid absentee ballots shall be decided upon based on the recommendations made by the city attorney and a representative of the county supervisor of elections, who shall be required to be present to act in an advisory capacity to the canvassing board.
- (h) Following a determination by the canvassing board regarding which ballots are invalid, by marking the invalid envelopes, "REJECTED AS ILLEGAL," the remaining valid ballots will then be opened and separated from their secrecy envelopes and will be ready to be counted. The number of valid and invalid ballots shall be entered on a certificate to be signed by the canvassing board.
- (i) The counting of the absentee votes cast shall be done after 7:00 p.m. on the day of the election at the time and place that the returns of the clerks and inspectors for the various precincts are counted.
- (j) The canvassing board shall certify the results of the election immediately following the counting of all of the ballots the night of the election. If a recount is required, certification shall be made within the two days following the election.
- (k) Public notice of the time and place at which the canvassing board will meet to canvass the absentee ballots shall be given at least 48 hours prior thereto by publication.
- (l) The city commission will adopt a resolution accepting the results certified by the canvassing board at the first regular commission meeting following the run-off election.

(Code 1958, § 10-11; Code 1991, § 9-2; Code 2006, § 22-2; Ord. No. 524, § 11, 2-4-1947; Ord. No. 1835, § 8, 3-24-1970; Ord. No. 3125, § 1, 3-14-1995; Ord. No. 3460, § 1, 6-5-2000; Ord. No. 2024-02, § 2(Exh. A), 1-9-2024)

Sec. 18-3. Referendum on Charter amendments.

- (a) *Required.* All proposals for amendment to the city Charter shall be submitted to the qualified electors of the city and, in order to become effective, shall receive the affirmative vote of a majority of those voting on such proposals.
- (b) *Form of ballots.* Matters and questions to be voted upon may be stated in the alternative, or, to put it another way, more than one question affecting the same general proposition, may be submitted on the same ballot. However, in the event that matters to be voted upon constitute more than one proposition and are submitted in the alternative, a ballot which contains the vote for more than one proposition stated thereon, shall be disqualified and shall not be counted in any way, either as to the number of voters participating or as to the question of majority.
- (c) *Preparation of ballots by city attorney.* All proposed Charter amendments shall be submitted by a ballot title and in form prepared, in all cases, by the city attorney.

(Code 1958, § 10-12; Code 1991, § 9-3; Code 2006, § 22-3; Ord. No. 1213, §§ 1—3, 2-7-1961; Ord. No. 1835, § 9, 3-24-1970)

Sec. 18-4. Supervision of elections.

All elections of the city shall be conducted under the supervision of the city clerk.

(Code 1958, § 10-13; Code 1991, § 9-4; Code 2006, § 22-4; Ord. No. 3282, § 1, 11-18-1997; Ord. No. 3311, § 1, 2-17-1998; Ord. No. 1835, § 3, 3-24-1970)

Sec. 18-5. Candidate campaign contribution deadline.

The following rule shall apply to candidate campaign contributions: No campaign contribution may be accepted after 12:00 midnight the Thursday before the following Tuesday's election, and if accepted, must be returned to whomever made the contribution. Campaign contributions may be accepted for a run-off election but may not be accepted after 12:00 midnight the Thursday before the following Tuesday's run-off election.

(Code 1991, § 9-5; Code 2006, § 22-5; Ord. No. 3387, § 1, 6-3-1999)

Sec. 18-6. Vacancy in candidacy.

If the death, withdrawal or removal of a qualified candidate occurs following the end of the qualifying period leaving less than two candidates remaining on the ballot for a seat in that particular group, alternate procedures may be followed as hereinafter set forth.

- (1) *If only one qualified candidate remains.* The commission has the option of declaring the remaining candidate elected by a majority vote, re-opening qualifying, or calling a special election, depending on the time remaining prior to the election, as follows:
 - a. *Prior to July 31 of each election year ~~More than 21 days before election.~~* The commission may vote to re-open qualifying to allow candidates to qualify for election to that seat in that particular group and any candidate wishing to qualify shall file in compliance with the requirements of the city Charter, in the time specified by the city commission ~~but no later than 12:00 noon of the 21st day prior to the date of the election.~~
 1. The remaining candidate for the open seat in that group shall not be required to requalify or to pay a second qualifying fee.
 2. If no additional candidate qualifies for election during the supplemental qualifying period, the remaining candidate shall be declared elected by virtue of being unopposed. The remaining candidate may continue to accept contributions until declared unopposed.
 3. If other candidates qualify for election during the supplemental qualifying period, supplemental absentee ballots shall be mailed by the city clerk to all absentee voters who were mailed an absentee ballot for the regular election. If an absentee voter only returns the initial ballot he/she was mailed, his or her vote for that seat in that particular group for which the supplemental qualifying period was called will be null and void, but his or her votes on all other offices and issues will be counted.
 4. If both the initial ballot and supplemental ballot are returned, only the supplemental ballot will be counted, which supplemental ballot shall contain the full slate of candidates for the election.
 - b. *On or after August 1 of each election year ~~Less than 21 days before election.~~* The commission may vote to hold a special election following the election in progress, which special election shall be held not less than ~~60~~120 days nor more than ~~90~~150 days after the vacancy in candidacy has occurred.

1. The remaining candidate for the open seat in that group shall not be required to requalify or to pay a second qualifying fee.
 2. If no additional candidate qualifies for election during the special election qualifying period, the remaining candidate shall be declared elected by virtue of being unopposed and the special election shall be cancelled.
 3. If other candidates qualify, the filing of campaign expense statements, including by the remaining candidate, shall not be later than such dates as fixed by the city clerk. In fixing such dates, the city clerk shall take into consideration and be governed by the practical time limitations and the dates established for such statements in a regular city election, pursuant to F.S. ch. 106.
 4. The dates for qualifying and processing of absentee ballots shall be fixed by the city clerk, taking into consideration and governed by the practical time limitations and dates established for such procedures in a regular city election pursuant to the city Charter and Code.
- (2) *If no qualified candidate remains.* Qualifying shall be re-opened, or the commission may appoint a replacement; or a special election shall be called, depending on the time element, as follows:
- a. *Prior to July 31 of each election year* ~~*More than 21 days before election.*~~ The city clerk shall re-open qualifying to allow candidates to qualify for election to that seat in that particular group, and any candidate wishing to qualify shall file in compliance with the requirements of the city Charter, *in the time specified by the city clerk* ~~*but no later than 12:00 noon of the 21st day prior to the date of the election.*~~
 1. Following the supplemental qualifying period, supplemental absentee ballots shall be mailed by the city clerk to all absentee voters who were mailed an absentee ballot for the regular election. If an absentee voter only returns the initial ballot he/she was mailed, his or her vote for that seat in that particular group for which the supplemental qualifying period was called will be null and void, but his or her votes on all other offices and issues will be counted.
 2. If both the initial ballot and supplemental ballot are returned, only the supplemental ballot will be counted, which supplemental ballot shall contain the full slate of candidates for the election.
 - b. *On or after August 1 of each election year* ~~*Less than 21 days before election.*~~ The commission shall make an effort to fill the vacancy by majority vote of remaining members of the commission by the appointment of a person otherwise qualified to be a member of the commission, and the person so appointed shall serve for the entire term.
 1. If the commission does not appoint a person to fill the vacancy within 30 days after the first regular commission meeting held after the vacancy has occurred, the city clerk shall call a special election in order to fill the vacancy for the unexpired portion of the entire term.
 2. The special election shall be held not less than 30 days nor more than 90 days after the initial 30-day period has expired.
 3. The filing of campaign expense statements by candidates in said special election shall not be later than such dates as fixed by the city clerk. In fixing such dates, the city clerk shall take into consideration and be governed by the practical time limitations and the dates established for such statements in a regular city election pursuant to F.S. ch. 106.
 4. The dates for qualifying and processing of absentee ballots shall be fixed by the city clerk, taking into consideration and governed by the practical time limitations and dates established for such procedures in a regular city election pursuant to the city Charter and Code.

- (3) *Name on ballot.* The name of any qualified candidate who has withdrawn, died or been removed from the ballot shall not be printed on the ballot. If the ballot cannot be changed, any votes for that candidate shall be null and void.
- (4) *Refund of qualifying fee.* A candidate who has withdrawn or been removed from the ballot after having qualified and paid the qualification fee shall not receive a refund of the qualifying fee.

(Code 1991, § 9-6; Code 2006, § 22-6; Ord. No. 3499, § 1, 1-9-2001)

Sec. 18-7. Early voting.

~~Consistent with applicable law the city may provide for early voting. The city hereby exercises its right to exempt ("opt out") itself from the provisions of F.S. § 101.657. The city may provide for early voting in city elections that are not held in conjunction with a state or county election.~~

~~(Code 2006, § 22-7; Ord. No. 2005-008, § 2, 1-25-2005)~~

State law reference(s)—Early voting, F.S. § 101.657.

Sec. 18-8. Referendum elections.

A referendum election, wherein qualified voters of the city are the only electors eligible to vote, may be conducted by mail ballot when authorized by a majority vote of the city commission and by the supervisor of elections for Miami-Dade County. The secretary of state must approve a written plan for the conduct of the election, which shall include a written timetable for the conduct of the election, when submitted by the supervisor of elections. The following elections may not be conducted by mail ballot:

- (1) An election at which any candidate is nominated, elected, retained, or recalled; or
- (2) An election held on the same date as another election, other than a mail ballot election, in which the qualified electors of that political subdivision are eligible to cast ballots.

(Code 2006, § 22-8; Ord. No. 2007-05, § 2, 1-23-2007)

Sec. 18-9. Campaign finance reports.

- (a) *Electronic reporting.* Candidates for the office of mayor or city commissioner shall file their campaign treasurer's reports electronically with the city clerk. The city clerk shall determine the required format for the campaign treasurer's reports and shall provide copies of the form upon request. For purposes of this article, "campaign treasurer's reports" or "reports" shall mean the reports required of the campaign treasurers of candidates pursuant to F.S. § 106.07. Reports filed pursuant to this section shall be completed and filed through the electronic filing system not later than midnight of the day designated. Reports not filed by midnight of the day designated are late filed and subject to the penalties below, and all other applicable penalties.
- (b) *Electronic posting.* Campaign treasurer's reports submitted by candidates for the office of mayor or city commissioner shall be posted on the city's website by the city clerk within three business days of date of the electronic filing by such candidate. The city reserves the right, prior to posting, to review all filings and redact any material that would violate any copyright, trademark, patent or other proprietary rights of others, or any language, pictures, or symbols that in any way violate any federal, state, or local law.
- (c) *Penalties.* In addition to any other penalties which may be applicable, any individual who violates this section shall be subject to a fine up to \$50.00 per day for the first three days late and, thereafter, \$500.00 per day for each day late, not to exceed 25 percent of the total receipts or expenditures, whichever is greater, for the period covered by the late report. If it is determined by a court which has jurisdiction over an alleged

violation of this section that unusual circumstances caused the campaign treasurer's report to be filed late, no fine shall be imposed by the court. As used herein, "unusual circumstances" shall mean uncommon, rare or sudden events over which the actor has no control, and which directly result in the failure to act according to the filing requirements. Unusual circumstances must occur within a time period that would clearly prevent the person legally responsible for filing the report from doing so in a timely manner.

- (d) *Technical assistance.* The city clerk shall provide technical assistance to candidates regarding the electronic filing requirements herein.

(Ord. No. 2019-23, § 2, 7-9-2019)