

ORDINANCE NO. _____

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING MIAMI BEACH CITY CODE CHAPTER 38 ENTITLED "ELECTIONS", SECTION 38-6 THEREOF ENTITLED "EARLY VOTING", BY INCREASING THE NUMBER OF EARLY VOTING DAYS FOR CITY RUNOFF ELECTIONS FROM 2 TO 3 DAYS, WITH SAID EARLY VOTING PERIOD TO OCCUR ON THE FRIDAY, SATURDAY AND SUNDAY IMMEDIATELY PRECEDING SUCH RUN-OFF ELECTION; PROVIDING FOR REPEALER, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.

WHEREAS, the Mayor and City Commission of the City of Miami Beach are committed to ensuring each citizen's constitutional right to vote, including meaningful access to voting, as guaranteed by the Voting Rights Act of 1965, the National Voter Registration Act of 1993, and the Help America Vote Act of 2002; and

WHEREAS, for our City's democracy to function properly and for government to provide fair representation, all eligible City residents must have the opportunity to vote and be encouraged to do so. Our collective self-rule is established and fostered through free, fair, accessible, and secure elections through which the voice of every eligible resident is heard; and

WHEREAS, providing City electors with alternative opportunities to vote, such as allowing them to vote during an Early Voting period in advance of Election Day, ensures meaningful access to voting by accommodating an increased number of potential voters and benefits all, especially individuals with inflexible family, employment, and life obligations; and

WHEREAS, in recognition of the above, and pursuant to concerns expressed by City residents, the City Commission hereby acknowledges the need to amend City Code section 38-6(b)(2)'s Early Voting period for City Runoff elections from 2 days (the Saturday and Sunday immediately preceding a Runoff election) to 3 days (to include the Friday immediately preceding Runoff elections); and

WHEREAS, for purposes of conforming this subject Code amendment to related provisions in Code section 38-6, subsection (b)(3) thereof is also being amended in order to express that in cases of a stand-alone City Special Election held other than during the City's biennial November election cycle, for the purpose of filling a vacancy on the Commission, Early Voting shall be held on the Friday, Saturday and Sunday immediately preceding any such Runoff election; and

WHEREAS, the Mayor and City Commission believe that amending Code section 38-6 as stated above will serve to further ensure all City of Miami Beach voters their fundamental

rights to vote, and as such encourage voter participation, leading to a more democratic City government.

NOW, THEREFORE, BE IT DULY ORDAINED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH AS FOLLOWS:

SECTION 1. That Chapter 38 of the Miami Beach City Code entitled "Elections", Section 38-6 thereof entitled "Early Voting", is hereby amended to read as follows:

Chapter 38 – ELECTIONS.¹

Sec. 38-6. - Early voting.

(a) Pursuant to F.S. § 101.657(1)(e), (the "Early Voting Statute"), the City of Miami Beach may provide for early voting in city elections that are not held in conjunction with county or state elections, with the ability of the city to designate as many early voting sites as necessary and to conduct its activities in accordance with the provisions of F.S. § 101.657(1)(a)—(c).

(b) If authorized by the city commission per subsection (a) above, early voting shall occur at Miami Beach City Hall and the North Shore Branch Library in accordance with the following schedule:

(1) *General election*: Early voting shall commence 15 days immediately preceding the general election for a total of 14 consecutive days.

(2) *Run-off election*: Early voting shall occur on the Friday, Saturday and Sunday immediately preceding any run-off election.

(3) *Special election-stand alone (not otherwise held in conjunction with general or runoff election)²*: Early voting shall commence 15 days immediately preceding such special election for a total of 14 consecutive days. In the event of a special election to fill a vacancy on the City Commission, any resulting run-off Election shall occur on the Friday, Saturday and Sunday immediately preceding such run-off election .

(c) The hours of early voting shall be noticed in a newspaper(s) of general circulation within the City of Miami Beach.

(d) The remaining paragraphs of F.S. § 101.657, exclusive of paragraph (1)(d) thereof, shall continue to apply to the city's general, run-off and special elections as provided by law.

(e) The city commission may, by resolution, adopted in advance of a general, run-off or special election that is not held in conjunction with a county or state election per subsection (a) above, alter the sites and/or schedule of days (and times, when early voting is either not conducted by the county supervisor of elections, or when the supervisor is conducting the early voting but has not

¹ Charter reference— Elections, Art. VI; Initiative and Referendum Elections, Art. VII.

Cross reference— Any ordinance calling elections or prescribing the manner of conducting the election in accordance with State law saved from repeal, § 1-10(a)(16); Administration, Ch. 2; City Commission, § 2 31 et seq.; election signs, § 138-134. State Law reference— Florida Election Code, Fla. Stat. Chs. 97-106.

² The early voting time period for any special election held in conjunction with a general or run-off election shall occur in accordance with the respective time periods set forth above in Code section 38- 6(b)(1), (2).

exercised the discretion to determine the early voting hours) for early voting from that which is provided above.

(f) The city clerk is hereby authorized to take any action not otherwise inconsistent with state or county law, which is necessary or expedient to implement early voting in accordance with this section.

SECTION 2. REPEALER.

All ordinances or parts of ordinances in conflict herewith be and the same are hereby repealed.

SECTION 3. SEVERABILITY.

If any section, sentence, clause or phrase of this ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of this ordinance.

SECTION 4. CODIFICATION.

It is the intention of the Mayor and City Commission of the City of Miami Beach, and it is hereby ordained that the provisions of this ordinance shall become and be made a part of the Code of the City of Miami Beach, Florida. The sections of this ordinance may be renumbered or re-lettered to accomplish such intention, and the word "ordinance" may be changed to "section," "article," or other appropriate word.

SECTION 5. EFFECTIVE DATE.

This Ordinance shall take effect the _____ day of _____, 2020.

PASSED and ADOPTED this _____ day of _____, 2020.


ATTEST:

MAYOR DAN GELBER

RAFAEL E. GRANADO, CITY CLERK

(Sponsored by Mayor Dan Gelber, City Commissioner Michael Gongora, City Commissioner Mark Samuelian and City Commissioner Micky Steinberg.)

APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION



City Attorney

11/20/19

Date