

RESOLUTION NO. \_\_\_\_\_

**A RESOLUTION CALLING FOR A SPECIAL ELECTION TO BE HELD ON NOVEMBER 8, 2022 IN THE CITY OF MIAMI BEACH FOR THE PURPOSE OF FILLING THE VACANCY IN CITY COMMISSION GROUP II BY ELECTING A CANDIDATE TO SERVE THE REMAINING GROUP II TERM EXPIRING NOVEMBER 2025, VIA SUBMISSION TO THE ELECTORS OF THE CITY OF MIAMI BEACH CANDIDATES FOR SAID GROUP II AND IF NECESSARY, FURTHER PROVIDING FOR A RUN-OFF ELECTION TO BE HELD ON DECEMBER 6, 2022; SETTING FORTH QUALIFYING DATES (INCLUDING QUALIFYING VIA PETITION) AND PROVIDING FOR NOTICE OF ELECTION TO FURTHER SET FORTH DATES FIXED FOR FILING OF CAMPAIGN EXPENSE STATEMENTS AND PERTINENT INFORMATION REGARDING ELIGIBILITY OF ELECTORS TO PARTICIPATE IN SAID ELECTIONS; PROVIDING FOR CONDUCT OF SAID ELECTIONS BY THE MIAMI-DADE COUNTY ELECTIONS DEPARTMENT; PROVIDING THAT VOTING PRECINCTS FOR SAID ELECTIONS SHALL BE THOSE AS ESTABLISHED BY MIAMI-DADE COUNTY; PROVIDING FOR NOTICE OF SAID ELECTIONS; PROVIDING FOR THE FORM OF BALLOT AND REGISTRATION OF VOTERS IN ACCORDANCE WITH STATE LAW; PROVIDING FOR PAYMENT FOR CONDUCTING ELECTIONS TO MIAMI-DADE COUNTY.**

**WHEREAS**, on June 22, 2022, the Honorable Mark Samuelian, City of Miami Beach Commissioner-Group II, passed away; and

**WHEREAS**, as the Group II term of office does not expire until November 2025, the Group II seat is vacant and must be filled for the unexpired remainder of said term; and

**WHEREAS**, City Charter section 2.07 "Vacancies in City Commission" establishes the applicable method for the filling of vacancies on the City Commission. Charter section 2.07 requires that such vacancies be filled by a "majority of the remaining members of the City Commission" or be filled at a Special Election called by the City Commission; and

**WHEREAS**, the City Commission has determined it to be in the best interests of the City of Miami Beach that the vacancy be filled by vote of the Electorate via Special Election held on November 8, 2022, and if necessary, by a Run-Off Election to be held on December 6, 2022.<sup>1</sup>

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<sup>1</sup> See, City of Miami Beach Ordinance #\_\_\_\_\_, authorizing the election dates set forth hereinabove.

**NOW, THEREFORE, BE IT DULY RESOLVED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH :**

**SECTION 1.**

In accordance with provisions of the Charter of the City of Miami Beach, Florida, a Special Election is hereby called and directed to be held in the City of Miami Beach, Florida, from 7:00 a.m. to 7:00 p.m. on November 8, 2022, for the purpose of electing a City Commissioner in Group II who shall hold office for the remainder term expiring November 2025, as provided by law. If required, pursuant to provisions of the City Charter, a Run-Off Election shall be held from 7:00 a.m. to 7:00 p.m. on December 6, 2022.

**SECTION 2.**

City Charter section 6.03's requirements for qualifying for office shall apply to the November 8, 2022 Special Election re: Commission Group II, except that the qualifying dates for this November 8, 2022 Special Election shall commence on August 22, 2022 and shall end on August 25, 2022; and petitions to qualify shall be filed with the City Clerk no later than noon on August 8, 2022 (the 14th day prior to the first day of qualifying as a candidate for City Commission Group II), said petitions signed by sufficient qualified and registered voters to constitute not less than two percent (2%) of this number of such voters as the same shall be on July 1, 2022 (the date fifty-two (52) days prior to the August 22, 2022 first day of qualifying as a candidate for Commission Group II office).

**SECTION 3.**

That the appropriate and proper Miami-Dade County election officials shall conduct the said Special Election and Run-Off Election hereby called, with acceptance of the certification of the results of said elections to be performed by the City Commission and with the results of election to be effective thereon, in accordance with City Code Section 38-4. The official returns for each precinct shall be furnished to the City Clerk of the City of Miami Beach as soon as the ballots from all precincts have been tabulated.

**SECTION 4.**

That the said voting precincts in the City of said Special Election and Run-Off Election shall be as established by the proper and appropriate Miami-Dade County Election

Officials. All electors shall vote at the polling places and the voting precincts as determined by the Miami-Dade County Election Officials.<sup>2</sup>

#### **SECTION 5.**

Notice of the adoption of this Resolution and of its provisions calling said Special Election and Run-Off Election shall be given by publication in the Miami Herald, a newspaper of general circulation in Miami Beach, Miami-Dade County, Florida. Such publication shall be made in accordance with provisions of Section 100.342, Florida Statutes, and Section 38-3 of the Code of the City of Miami Beach.

#### **SECTION 6.**

The Notice of Election shall be substantially in the following form:

**THE CITY OF MIAMI BEACH, FLORIDA  
NOTICE OF NOVEMBER 8, 2022 SPECIAL ELECTION  
(AND DECEMBER 6, 2022 RUN-OFF ELECTION, IF REQUIRED)**

NOTICE IS HEREBY GIVEN THAT A SPECIAL ELECTION HAS BEEN CALLED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AND WILL BE HELD IN SAID CITY FROM 7:00 A.M. UNTIL 7:00 P.M. ON THE 8th DAY OF NOVEMBER, 2022, FOR THE PURPOSE OF ELECTING A CITY COMMISSIONER IN GROUP II, WHO SHALL HOLD OFFICE FOR THE REMAINDER TERM EXPIRING NOVEMBER 2025, AS PROVIDED BY LAW. A RUN-OFF ELECTION, IF REQUIRED, SHALL BE HELD FROM 7:00 A.M. TO 7:00 P.M. ON THE 6<sup>TH</sup> DAY OF DECEMBER, 2022. QUALIFYING DATES SHALL COMMENCE ON AUGUST 22, 2022 AND SHALL END ON AUGUST 25, 2022, AND PETITIONS TO QUALIFY SHALL BE FILED WITH THE CITY CLERK NO LATER THAN NOON ON AUGUST 8, 2022 WITH SAID PETITIONS SIGNED BY SUFFICIENT QUALIFIED AND REGISTERED VOTERS TO CONSTITUTE NOT LESS THAN TWO PERCENT (2%) OF THE NUMBER OF SUCH VOTERS AS THE SAME SHALL BE ON JULY 1, 2022.

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<sup>2</sup> Pursuant to City Code section 38-3(b): "The City Clerk shall further publish, in a newspaper meeting the requirements set forth in Florida Statute § 50.031 and on the City's website, the polling places for the election twice, once in the third week and once in the first week prior to the week in which the election is to be held."

Said Notice shall further set forth the dates fixed for filing campaign expense statements and pertinent information regarding the eligibility of electors to participate in said elections.

**SECTION 7.**

That the official ballot to be used in the Special Election to be held on November 8, 2022, hereby called, shall be in substantially the following form, to-wit:

**"OFFICIAL BALLOT"  
NOVEMBER 8, 2022 SPECIAL ELECTION  
FOR ELECTING A  
CITY OF MIAMI BEACH CITY COMMISSIONER, GROUP II**

**FOR CITY COMMISSIONER GROUP II**

(insert names)

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**SECTION 8.**

In the event a Run-Off Election is required to be held on Tuesday, December 6, 2022, the official ballot to be used at such Run-Off Election shall be in substantially the same form as the official ballot for the Special Election in Section 7 above, except that the heading of the ballot for the Run-Off Election shall be in substantially the following form, to wit:

**"OFFICIAL BALLOT"  
DECEMBER 6, 2022 RUN-OFF ELECTION  
FOR ELECTING  
CITY OF MIAMI BEACH CITY COMMISSIONER, GROUP II**

**FOR CITY COMMISSIONER GROUP II**

(insert names)

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## **SECTION 9.**

The City Clerk shall assist the County Elections Department in preparing the ballots for the November 8, 2022 Special Election and the December 6, 2022 Run-Off Election, if required, so that the names of qualified candidates will appear on said ballots in alphabetical order according to surname under the respective office sought; provided, however, the form of the ballots to be used in said Elections and their preparation shall be in compliance with all statutory requirements relating to the use of mechanical or other approved voting machines or devices.

## **SECTION 10.**

Registration of persons desiring to vote in the Special and Run-Off Elections shall be in accordance with the general law of the State of Florida governing voter registration. Qualified persons may obtain registration forms to vote at the Office of the City Clerk, City Hall, 1700 Convention Center Drive, First Floor, Miami Beach, Florida 33139, during normal business hours, and at such other voter registration centers and during such times as may be provided by the Supervisor of Elections of Miami-Dade County. The Miami-Dade County Supervisor of Elections will register voters for the Special Election until 5:00 p.m. on Tuesday, October 11, 2022; and will register voters for the Run-Off Election until 5:00 p.m. on Monday, November 7, 2022. All persons eligible to vote at the Elections must be registered before the times and dates set forth herein or have registered previously, as provided by law. Each person desiring to become a registered voter shall be responsible for properly filling out the registration form and returning it to the Miami-Dade County Elections Department. All questions concerning voter registration should be directed to the Miami-Dade County Elections Department, 2700 N.W. 87<sup>th</sup> Avenue, Miami, Florida 33172; Telephone:(305) 499-VOTE (8683).

## **SECTION 11.**

That voters participating via a vote-by-mail ballot in said Special Election and/or Run-Off Election shall be entitled to cast their ballots in accordance with the provisions of the Laws of the State of Florida with respect to such voting.

## **SECTION 12.**

That the City of Miami Beach shall pay all expenses for conducting this Special Election and Run-Off Election and will pay to Miami-Dade County or directly to all persons or firms, upon receipt of invoice or statement approved by the Supervisor of Elections of Miami-Dade County, Florida.

**SECTION 13.**

If any section, sentence, clause, or phrase of this Resolution 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 Resolution.

**SECTION 14.**

This Resolution shall be effective immediately upon its passage.

**PASSED** and **ADOPTED** this \_\_\_\_ day of \_\_\_\_\_ 2022.

**ATTEST:**

\_\_\_\_\_  
DAN GELBER, MAYOR

\_\_\_\_\_  
RAFAEL E. GRANADO, CITY CLERK

APPROVED AS TO  
FORM & LANGUAGE  
& FOR EXECUTION

\_\_\_\_\_  
City Attorney *PAZ* 7-21-22  
Date