

RESOLUTION NO. _____

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, CALLING FOR A GENERAL ELECTION TO BE HELD ON NOVEMBER 7, 2023 IN THE CITY OF MIAMI BEACH TO ELECT A MAYOR AND THREE CITY COMMISSIONERS (GROUPS IV, V, AND VI); FURTHER PROVIDING FOR A RUN-OFF ELECTION, IF REQUIRED, TO BE HELD ON NOVEMBER 21, 2023; PROVIDING FOR CONDUCT OF SAID ELECTIONS BY THE MIAMI-DADE COUNTY ELECTIONS DEPARTMENT (MIAMI-DADE COUNTY); 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 FORMS OF BALLOT AND REGISTRATION OF VOTERS IN ACCORDANCE WITH STATE LAW; PROVIDING FOR VOTER PARTICIPATION VIA VOTE-BY-MAIL IN SAID ELECTIONS IN ACCORDANCE WITH STATE LAW; AND PROVIDING FOR PAYMENT OF ALL EXPENSES FOR CONDUCTING THE ELECTIONS.

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 and Code of the City of Miami Beach, Florida, a General 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 7, 2023, to elect a Mayor and three City Commissioners in Groups IV, V, and VI respectively, each of whom shall hold office for the terms 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 November 21, 2023.

SECTION 2.

That the appropriate and proper Miami-Dade County election officials shall conduct the General Election and Run-Off Election hereby called, with acceptance of the certification of the results of the Elections to be performed by the City Commission. 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 3.

That the voting precincts in the City for this General 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.¹

SECTION 4.

Not less than thirty days' notice of the adoption of this Resolution and its provisions calling this General 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

¹ 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."

shall be made in accordance with the provisions of Section 100.342, Florida Statutes, and Section 38-3 of the Code of the City of Miami Beach.

SECTION 5.

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

**CITY OF MIAMI BEACH, FLORIDA
NOTICE OF GENERAL ELECTION
(AND RUN-OFF ELECTION, IF REQUIRED)**

Notice is hereby given that a General 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. to 7:00 p.m. on November 7, 2023, to elect a Mayor and three (3) City Commissioners in Groups IV, V, and VI respectively, each of whom shall hold office for the terms as provided by law. A Run-Off election, if required, shall be held from 7:00 a.m. to 7:00 p.m. on November 21, 2023.

The Notice shall further set forth pertinent information regarding the eligibility of electors to participate in these Elections.

SECTION 6.

The official ballot to be used in the General Election to be held on November 7, 2023, hereby called, shall be in substantially the following form, to wit:

"OFFICIAL BALLOT"

**GENERAL ELECTION
FOR ELECTING THE MAYOR
AND THREE (3) CITY COMMISSIONERS (GROUPS IV, V, and VI)
OF THE CITY OF MIAMI BEACH, FLORIDA
ON NOVEMBER 7, 2023**

Vote for one (1) only:

FOR MAYOR

(Insert names)

FOR CITY COMMISSIONER GROUP IV

(Insert names)

FOR CITY COMMISSIONER GROUP V

(Insert names)

FOR CITY COMMISSIONER GROUP VI

(Insert names)

SECTION 7.

In the event a Run-Off Election is required to be held on November 21, 2023, the official ballot to be used at such Run-Off Election shall be in substantially the same form as the official ballot for the General Election in Section 6 above, except that the heading of the ballot for the Run-Off Election shall be in substantially the following form, to wit:

"OFFICIAL BALLOT"

**RUN-OFF ELECTION
FOR ELECTING [THE MAYOR AND]
[Insert # ____] [CITY COMMISSIONERS (GROUPS ____ and ____)]
OF THE CITY OF MIAMI BEACH, FLORIDA
ON NOVEMBER 21, 2023**

SECTION 8.

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

SECTION 9.

Registration of persons desiring to vote in the General 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, 8:30 a.m. to 5:00 p.m., 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 General Election until 5:00 p.m. on October 10, 2023; and will register voters for the Run-Off Election until 5:00 p.m. on October 23, 2023. All persons eligible to vote in 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 NW 87 Avenue, Miami, Florida 33172; Telephone: (305) 499-VOTE (8683).

SECTION 10.

That voters participating via a Vote-by-Mail ballot in this General 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 11.

That the City of Miami Beach shall pay all expenses for conducting this General Election and, if required, the 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 12.

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

SECTION 13.

This Resolution shall be effective immediately upon its passage.

PASSED and ADOPTED this 26th day of July, 2023.

ATTEST:

DAN GELBER
MAYOR

RAFAEL E. GRANADO
CITY CLERK

APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION

City Attorney *PAZ* 7-14-23
Date