ORDINANCE NO. 2012 -

AN ORDINANCE OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, AMENDING SECTION 2-101 "QUALIFYING PERIOD" OF ARTICLE V "ELECTIONS" OF THE VILLAGE CODE OF ORDINANCES, RELATING TO THE QUALIFYING PERIOD FOR THE MAYOR AND VILLAGE COUNCIL; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Village of Key Biscayne (the "Village") General Election is scheduled for November 6, 2012; and

WHEREAS, the Miami-Dade County (the "County") Elections Department has requested that the Village Council's qualifying period for the General Election be modified in order to enable the County Supervisor of Elections to meet statutory deadlines for the mailing of overseas absentee ballots; and

WHEREAS, the Village Council desires to modify Section 2-101 of the Village Code of Ordinances to provide that the qualifying period for the Mayor and Village Council may be modified, if such modification is necessary in order to accommodate a request by the County Supervisor of Elections office or a successor entity or to comply with state or Federal law; and

WHEREAS, the Village Council hereby finds and declares that adoption of this Ordinance is necessary, appropriate, and advances the public interest.

NOW, THEREFORE, IT IS HEREBY ORDAINED BY THE VILLAGE COUNCIL OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, AS FOLLOWS[1]:

Section 1. **Recitals**. The preceding "Whereas" clauses are ratified and incorporated as the legislative intent of this Ordinance.

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[1] Coding: underlined words are additions to existing text, struck through words are deletions from existing text, shaded text reflects changes made from First Reading.

Section 2. Section 2-101 of the Village Code Amended. The Village Council hereby amends Chapter 2 "Administration" of Article V "Elections," by amending Section 2-101 "Qualifying period" of the Village Code, to read as follows:

Sec. 2-101. - Qualifying period.

(a) Regular Election. Candidates for the office of Mayor shall qualify with the Village Clerk no earlier than noon on the 77th day and no later than noon on the 67th day prior to the date of the Mayoral primary election, and candidates for the office of Village Council shall qualify with the Village Clerk no earlier than noon on the 85th day and no later than noon on the 75th day prior to the date of the regular Council election of the Village, in the method provided for in the Village Charter or Code, and under the rules of elections prescribed in the Florida Statutes. The qualifying periods provided for in this section may be modified for a specific election by resolution of the Village Council in order to accommodate a request by the Miami-Dade County Supervisor of Elections office or a successor entity or to comply with state or Federal law. In the event of such modification, the Village Clerk shall publish the modified qualifying dates in a newspaper of general circulation within the Village at least 10 days prior to the commencement of the modified qualifying periods.

(b) Special Election. In those situations in which a special election is called for the purpose of filling a vacancy which occurs on the Council or in the office of Mayor during an unexpired term of office, the Council shall by resolution establish the qualifying period during which candidates for the vacant office may qualify with the Village Clerk in the method provided for in the Village Charter or Code, and under the rules of elections prescribed in the Florida Statutes.

Section 3. Severability. The provisions of this Ordinance are declared to be severable and if any section, sentence, clause or phrase of this Ordinance shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this Ordinance but they shall remain in effect, it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

Section 4. Conflicts. All ordinances or parts of ordinances, resolution or parts of resolutions, in conflict herewith, are repealed to the extent of such conflict.

Section 5. Effective Date. This Ordinance shall become effective immediately upon adoption on second reading

PASSED on first reading this 28th day of February, 2012.

PASSED AND ADOPTED on second reading this ___ day of _____, 2012.

_____
MAYOR FRANKLIN H. CAPLAN

ATTEST:

_____
CONCHITA H. ALVAREZ, MMC, VILLAGE CLERK

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:

_____
VILLAGE ATTORNEY

Elections
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Safe Neighborhood Parks
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Team Metro
Transit
Task Force on Urban Economic Revitalization
Vizcaya Museum And Gardens
Water & Sewer

July 21, 2011

Conchita H. Alvarez, CMC
Village Clerk
Village of Key Biscayne
88 W. McIntire Street, Suite 220
Key Biscayne, FL 33149

Dear Ms. Alvarez:

The Village of Key Biscayne's Primary Election is currently scheduled for August 28, 2012, with a qualifying period of June 12 through 22, 2012. The state changed the date of their Primary Election to August 14, 2012, during the last legislative session. As such, I respectfully request that your Board move your Primary Election to coincide with this election on August 14, 2012, and that your candidate qualifying period end no later than June 8, 2012, which aligns with the final date for federal, state, and county candidates to qualify.

In addition, the Village of Key Biscayne's General Election is scheduled for November 6, 2012, with a qualifying period of August 14 through August 24, 2012. In order for the Elections Department to meet its statutory deadline for the mailing of overseas absentee ballots, I further request that your Board change your candidate qualifying period for this election to end no later than August 17, 2012.

Your prompt reply to this request is greatly appreciated so that we can proceed with our preparations for the 2012 election cycle. Should you have any questions or concerns, please feel free to contact me directly at 305.499.8403 or Zeida Reyes, Elections Coordination Manager, at 305.499.8405.

Sincerely,

Christina White, Deputy Supervisor of Elections
Miami-Dade Elections Department