

ORDINANCE NO. 2006-1

AN ORDINANCE OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, AMENDING THE VILLAGE CODE BY AMENDING CHAPTER 2 "ADMINISTRATION", BY CREATING SECTION 2-103 "EARLY VOTING", CONCERNING VILLAGE ELECTIONS; PROVIDING FOR A SPECIFIC DURATION FOR EARLY VOTING, AND AUTHORIZING REVISING OR ELIMINATING EARLY VOTING FOR VILLAGE ELECTIONS BY COUNCIL RESOLUTION FOR A SPECIFIC ELECTION; OPTING OUT OF THE REQUIREMENTS OF PARAGRAPH (2) OF SECTION 101.657, FLORIDA STATUTES; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN CODE; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, pursuant to Section 101.657, Florida Statutes, as amended effective on January 1, 2006, the Florida Legislature has expressly provided that municipalities may determine whether or not to provide early voting in municipal elections that are not held in conjunction with county or state elections and to opt out of certain requirements; and

WHEREAS, the Council finds that lengthy periods of early voting in municipal elections are contrary to the historical tradition of a designated "Election Day" and are costly and unnecessary in light of the availability of absentee ballots; and

WHEREAS, the Village Council desires to provide for limited early voting in municipal elections (including charter amendment elections, initiative elections, referendum elections, bond issuance elections, and all Mayoral and Council elections) which are not held in conjunction with county or state elections, with the duration, hours of operation, and other restrictions for early voting to be as specified herein rather than as otherwise provided by Section 101.657, Florida Statutes; and

WHEREAS, this Ordinance enables the Village to provide for a sufficient schedule of early voting in advance of such municipal elections, if necessary, or to revise or eliminate early voting for specific elections as provided herein; and

WHEREAS, the Miami-Dade County Supervisor of Elections has recommended that the Village opt out of the requirements of Section 101.657(2), Florida Statutes, which would otherwise require the Supervisor of Elections to prepare costly and complex voter activity information in the midst of an electoral process.

NOW THEREFORE, IT IS HEREBY ORDAINED BY THE VILLAGE COUNCIL OF THE VILLAGE OF KEY BISCAZYNE, FLORIDA, AS FOLLOWS:

Section 1. Recitals Adopted.

That each of the above stated recitals is hereby adopted and confirmed.

Section 2. Village Code Amended; Early Voting.

That Chapter 2 "Administration", of the Village Code of the Village of Key Biscayne, Florida, is hereby amended by creating Section 2-103 "Early Voting," to read as follows:

Sec. 2-103 Early Voting.

- (a) For any Village election, including initiative, referendum, bond issuance, charter amendment or any Mayoral and Council elections (the "Village Elections"), which are not held in conjunction with a county or state election, this Section 2-103 shall govern the matter of early voting. Further, early voting pursuant to this Section 2-103 shall comply with the mandatory requirements of Section 101.657(1)(e), Florida Statutes (2005), as applicable.
- (b) The provisions of Section 101.657(2), Florida Statutes, shall not apply to Village Elections, unless specifically made applicable by Council Resolution.
- (c) At any Village Election, it is hereby provided that early voting shall be provided only on the Thursday, Friday and Saturday immediately before a Village Election.
- (d) Early voting shall be provided for eight (8) hours for each weekday and for an aggregate of eight (8) hours for each weekend on any weekday or weekend in which early voting is allowed.
- (e) The Village Council may, by Resolution, adopted in advance of a specific Village Election, alter the schedule of days and hours for early voting from

that which is provided in paragraphs (c) and (d) above. This shall include the authority to extend early voting or to eliminate early voting for a specific election at which absentee balloting is available.

- (f) The Village Clerk is hereby authorized to take any action which is necessary or expedient to implement this section or to comply with any applicable law including any mandatory provisions of Section 101.657, Florida Statutes.

Section 3. Severability.

That 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. Inclusion in Code.

That it is the intention of the Village Council, and it is hereby ordained that the provisions of this Ordinance shall become and be made a part of the Code of the Village of Key Biscayne; that the sections of this Ordinance may be renumbered or relettered to accomplish such intentions; and that the word "Ordinance" shall be changed to "Section" or other appropriate word.

Section 5. Effective Date.

That this Ordinance shall be effective immediately upon adoption on second reading.

PASSED AND ADOPTED on first reading this 14th day of March, 2006.

PASSED AND ADOPTED on second reading this 11th day of April, 2006.

MAYOR ROBERT OLDAKOWSKI

ATTEST:

CONCHITA H. ALVAREZ, CMC, VILLAGE CLERK

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:

VILLAGE ATTORNEY

F/103.001/Ordinances/Early Voting Ordinance 2.13.06