

ORDINANCE NO. 2008-3

AN ORDINANCE OF THE VILLAGE OF KEY BISCAIYNE, FLORIDA, CONCERNING REVISION OF THE DATE OF VILLAGE MAYORAL PRIMARY ELECTIONS AND REVISION OF THE QUALIFYING PERIODS FOR MAYORAL CANDIDATES AND FOR COUNCIL CANDIDATES COMMENCING WITH THE 2008 ELECTION CYCLE; REVISING 2008 MAYORAL PRIMARY ELECTION DATE FROM OCTOBER 7, 2008 TO AUGUST 26, 2008, SO AS TO COINCIDE WITH THE COUNTYWIDE STATE PRIMARY ELECTION; REVISING DATE OF SUBSEQUENT MAYORAL PRIMARY ELECTIONS TO COINCIDE WITH THE STATE PRIMARY ELECTION; CREATING VILLAGE CODE SECTION 2-104 "MAYORAL PRIMARY ELECTION DATE REVISED", AND AMENDING VILLAGE CODE SECTION 2-101 "QUALIFYING PERIOD" TO REVISE THE QUALIFYING PERIODS FOR MAYORAL CANDIDATES AND FOR COUNCIL CANDIDATES AS A RESULT OF THE REVISED MAYORAL PRIMARY ELECTION DATE; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN CODE; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Miami-Dade County Supervisor of Elections Office (the "County"), by letter of October 18, 2007, has requested that the Village Council consider revising the date of the Village's Mayoral Primary Elections from October of each even-numbered year to the date of the countywide State Primary Election of each even-numbered year, in order to enable the County to comply with revised State laws mandating the very early mailing of absentee ballots to overseas voters for General Elections; and

WHEREAS, the Village Council, is authorized by Village Charter Section 5.01(c) and by Section 100.3605(2), Florida Statutes, to change the dates of Village elections by ordinance, and desires to revise the date of the Village's Mayoral Primary Elections, so as to comply with the request of the County .

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

Section 1. **Recitals Adopted.** That each of the above stated recitals is hereby adopted and confirmed.

Section 2. **Village Code Amended.**

A. That the Village Code is hereby amended by amending Chapter 2 “Administration”, at Article V. “Elections”, to create Section 2-104 “Mayoral primary election date revised”, to read as follows:

Section 2-104. Mayoral primary election date revised.

(a) The date for the Village Mayoral primary election for 2008 is hereby revised from Tuesday, October 7, 2008, to Tuesday, August 26, 2008, upon which revised election date the Village’s Mayoral primary election, if one is necessary, shall be held in conjunction with the countywide State Primary Election which is provided for by Sec. 100.061, Florida Statutes.

(b) The date for the Village’s Mayoral primary elections subsequent to the 2008 election cycle, in each even-numbered year thereafter, shall be held on the date of the countywide State Primary Election as provided for by Section 100.061, Florida Statutes.

(c) An editorial note shall be placed in the published Village Charter immediately following the provisions of Charter Section 5.01, so as to advise of the provisions of this Section 2 - 104 which govern the date of the Mayoral primary election.

(d) The Village Clerk shall take any action required by the Village Charter, Village Code and applicable law concerning the Mayoral primary election, in a manner which conforms with the revised Mayoral primary election date.

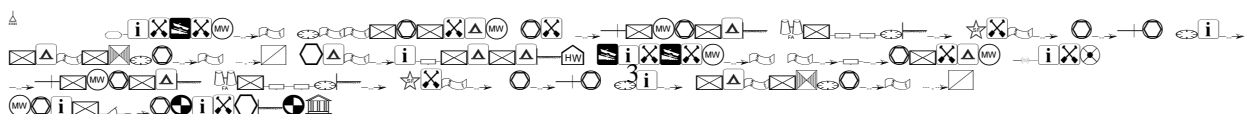
B. That the Village Code is hereby amended by amending Chapter 2 "Administration", at Article V "Elections", by amending Section 2-101 "Qualifying period", to read as follows:¹

Sec. 2-101. Qualifying period.

Candidates for the office of Mayor ~~or Village Council~~ shall qualify with the Village Clerk no earlier than Noon on the ~~55th~~ 77th day and no later than Noon on the ~~45th~~ 67th day prior to the date of the Mayoral primary election ~~for~~, 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 elections ~~cycle~~ 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. 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. That 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 the 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 15th day of January, 2008.

PASSED AND ADOPTED on second reading this 4th day of March, 2008.

MAYOR ROBERT L. VERNON

ATTEST:

CONCHITA H. ALVAREZ, CMC, VILLAGE CLERK

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:

VILLAGE ATTORNEY