

1st Reading: May 27, 2014
2nd Reading/Public Hearing
Adopted: June 24, 2014
Effective Date:

ORDINANCE NO. 2014-002

**GENERAL ELECTIONS
QUALIFICATIONS**

**AN ORDINANCE OF THE VILLAGE COUNCIL OF THE
VILLAGE OF EL PORTAL, FLORIDA, AMENDING SEC.
6-4 OF THE CODE OF ORDINANCES RELATING TO
QUALIFYING PERIODS; PROVIDING FOR
SEVERABILITY; REPEALER OF ALL ORDINANCES IN
CONFLICT, CODIFICATION, AND AN EFFECTIVE
DATE.**

WHEREAS, the Code of Ordinances of the Village of El Portal currently provides that persons desiring to qualify as candidates for the position of Village Mayor or Councilperson shall file a petition signed by 15 qualified electors of the Village, accompanied by a qualifying fee and an assessment fee, not less than 30 days prior to the election; and

WHEREAS, the Supervisor of Elections of Miami-Dade County has requested that the last day for qualification as a candidate for municipal elections to be held in November 2014 be no later than August 29, 2014 at 12 noon, in order to meet the Supervisor's obligations under law for preparation of the ballot and of the voting equipment; and

WHEREAS, the Village Council has resolved to comply with the request of the Miami Dade County Supervisor of Elections; and

WHEREAS, state law requires a change in the date and/or time of the election of the municipal officers to be accomplished by ordinance.

**NOW, THEREFORE, BE IT ORDAINED BY THE VILLAGE COUNCIL OF THE
VILLAGE OF EL PORTAL, FLORIDA:**

SECTION 1. Section 6-4 of The Code of Ordinances of the Village of El Portal is hereby amended as follows:

Those persons desiring to have their names placed upon the voting machines as candidates for the [position] of village mayor or councilperson shall, between ~~July 16 through July 27, 2012~~ August 18th through noon August 29th, 2014, prior to the election, obtain from and file with the village clerk a petition signed by 15 qualified electors of the village, and such petition shall be accompanied by a qualifying fee of \$1.00 and a state assessment fee of \$30.00, which is 1.5 percent of the annual salary of \$2,000.00 which shall be paid into the treasury of the village. The petition shall be in substantially the following form:

PETITION

I, _____ residing at _____ am a candidate for the office of Councilperson, Seat _____ of the Village of El Portal, Florida for the General Election for said office to be held on _____.

ENDORSEMENTS

At least fifteen (15) qualified voters of El Portal must sign petition.

TABLE INSET:

PRINTED NAME & DATE	OFFICIAL SIGNATURE WITHIN BOX	ADDRESS	DATE OF BIRTH OR REGISTRATION #
1) Date:			
2) Date:			
3) Date:			
4) Date:			
5) Date:			

The undersigned herein states that s/he circulated the above petition and that the signatures are the originals of the person named and signed, in person before her/him.

Date: _____/_____/_____ Circulator's signature: _____

VILLAGE USE ONLY:

Petition received and filed this _____ of _____, _____ at _____ o'clock, in office of the Village Clerk, 500 NE 87th Street, El Portal, Florida 33138, along with one dollar (\$1.00) qualifying fee and the ~~fifteen~~ thirty dollar (\$30.00) state assessment fee paid to the Village of El Portal.

SEAL

F.S. 104.185(1): A person who knowingly signs a petition or petitions for a candidate or an issue more than one time commits a misdemeanor of the first degree, punishable as provided in § 775.082 or § 775.083.

F.S. 104.185(2): A person who signs another person's name or a fictitious name to any petition to secure ballot position for a candidate or an issue commits a misdemeanor of the first degree, punishable as provided in § 775.082 or § 775.083.

(Code 1965, § 6-7; Res. No. 01-503, 9-18-01; Ord. No. 04-428, § 1, 5-25-2004; Ord. No. 2008-003, § 1, 6-24-2008

SECTION 2. **REPEALER.** All ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 3. **SEVERABILITY.** If any portion, section, phrase or clause of this Ordinance is held invalid by a court of competent jurisdiction, such ruling shall not affect the validity of the remainder of this Ordinance.

SECTION 4. **CODIFICATION.** This Ordinance shall be codified in the Code of Ordinances when the code is recodified.

SECTION 5. **EFFECTIVE DATE.** This Ordinance shall become effective immediately upon passage by the Village Council on second and final reading.

PASSED on First Reading this 27th day of May, 2014.

PASSED AND ADOPTED by the Village Council of the Village of El Portal, Florida this 24th day of June, 2014, on second reading.

Mayor Daisy M. Black

Attest:

Carolina Montealegre
Interim Village Clerk

Approved as to form and legal sufficiency

Joseph S. Geller, Village Attorney

FIRST READING

Moved by: Councilperson Cubillos

Seconded by: Vice-Mayor Marcus

Vote:

Councilperson Cubillos	<u>X</u> (Yes)	___ (No)
Councilperson Nickerson	<u>X</u> (Yes)	___ (No)
Councilperson Old	<u>X</u> (Yes)	___ (No)
Vice-Mayor Marcus	<u>X</u> (Yes)	___ (No)
Mayor Daisy M. Black	<u>X</u> (Yes)	___ (No)

Ordinance No: 2014-002 **Passed** with amendments by roll call vote of **5-0.**

SECOND READING/PUBLIC HEARING

Moved by: Councilperson Old

Seconded by: Councilperson Cubillos

Vote:

Councilperson Cubillos	<u>X</u> (Yes)	___(No)
Councilperson Nickerson	<u>X</u> (Yes)	___(No)
Councilperson Old	<u>X</u> (Yes)	___(No)
Vice-Mayor Marcus	<u>X</u> (Yes)	___(No)
Mayor Daisy M. Black	___(Yes)	___(No) ABSENT

Ordinance No.:2014-002 **Passed** by a roll call vote of 4-0.

I, Carolina Montealegre, Interim Village Clerk of the Village of El Portal, Miami-Dade County, Florida, do hereby certify that this is a true and correct copy of Ordinance No.: **2014-002** adopted on **June 24, 2014**, as shown in the Official Records of the Village of El Portal, Miami-Dade County, Florida. Given under my hand and seal, this _____ day of _____, 2014.