

CITY OF MIAMI BEACH
CHARTER
ARTICLE VI. – ELECTIONS*

Sec. 6.01. – Electors.

Any person who is a resident of the City of Miami Beach, who has qualified as an elector of the State of Florida and who registers in the manner prescribed by law shall be a qualified elector of the City.

State law reference – Registration of electors, F.S. § 97.105; qualification of electors, F.S. §§ 97.041, 166.032.

Sec. 6.02. – Nonpartisan elections.

All elections for the office of City Commission shall be conducted on a nonpartisan basis without any designation or political party affiliation.

Sec. 6.03. – Qualifying.

The City Commission shall cause to be placed on the ballot to be used in the general election the name of any qualified elector of the City residing within the City at least one year prior qualifying and who, within the four (4) consecutive days immediately following the first Monday of September prior to said general election, shall have paid to the City Clerk of the City of Miami Beach the sum equal to seven and one-half percent (7½%) of the annual salary of the office to which he/she seeks election as a qualifying fee and shall have been photographed and fingerprinted by the identification bureau of the Police Department of the City, unless such person shall file with the City Clerk no later than noon of the 14th day prior to the first day of qualifying as a candidate for such office, a petition approving his candidacy signed by sufficient qualified and registered voters to constitute not less than two percent (2%) of this number of such voters as the same shall be on the date sixty (60) days prior to the first day of qualifying as a candidate for office, in the event the Miami-Dade County Elections Department has not issued its certificate verifying the required number of valid signatures on the subject qualifying petition by 5:00 p.m. on the second day of the City's four-day qualifying period, the City's 7½% qualifying fee shall be waived by the City in the event the subject candidate should otherwise qualify for office pursuant to this Charter section. All candidates qualifying for office shall have taken, signed and subscribed to an oath or affirmation in writing in which he/she shall state (1) the title of the office for which he/she is a candidate; (2) that he/she is a qualified elector of the City of Miami Beach, Florida, and has resided in the City at least one year prior to qualifying; (3) his/her legal residence, by street and number; (4) that he/she is qualified under the ordinances (including Miami Beach City Code Chapter 38 governing "Elections") and Charter of the City of Miami Beach, Florida, to hold the office for which he/she is a candidate.

Such oath or affirmation shall be substantially in the following form:

STATE OF FLORIDA)	
		SS:
COUNTY OF DADE)	

Before me, an officer authorized to administer oaths, personally appeared to me well known who, being sworn, says that he/she is a candidate for the office of City Commissioner (Group No. _____ (or Mayor) for the City of Miami Beach, Florida; that he/she is a qualified elector of said City residing within the City at least one year before qualifying for City of Miami Beach elected office; that his/her legal residence is: _____, Miami Beach, Dade County, Florida; that he/she is qualified under the ordinances (including Miami Beach City Code Chapter 38 governing "Elections") and Charter of said City to hold such office; and that he/she has paid the required qualification fee.

Signature of Candidate

Sworn to and subscribed before me this _____ day of _____ A.D., 20____.

Authorized Officer

The City Commission shall, by ordinance, prescribe the manner of holding general and special elections not inconsistent with the provisions hereof, and shall, by ordinance or resolution, prescribe polling places in the various voting precincts in the City.

(Res. No. 2003-25290, 7-30-03; Res. No. 2003-25391, 7-30-03; Res. No. 2012-27964, 7-18-12, passed by voters 11-6-12; Res. No. 2012-27965, 7-18-12, passed by voters 11-6-12)

Sec. 6.04. – Vacancy in candidacy.

If the death, withdrawal or removal of a qualified candidate for Miami Beach City Commission following the end of the qualifying period results in fewer than two candidates remaining on the ballot for that office, there shall be one supplemental qualifying period of five (5) days beginning on the first business day following the vacancy in candidacy. No further supplemental qualifying period shall thereafter be established at all if a vacancy in candidacy occurs within forty-five (45) days prior to the date of the election for the office of City Commissioner or Mayor. If within forty-five (45) days prior to the date of the election for the office of City Commissioner or Mayor, there is only one candidate on the ballot for an elected office, said candidate shall be declared elected and no election for that office shall be required.

State law reference — Filling vacancy in candidacy, F.S. § 166.031(6).

*State Law reference — Florida Election Code, F.S. chs. 97-106.