MIAMIBEACH

HOW TO BEGIN A CAMPAIGN / ELECTION INFORMATION /

Date of Election

Special Election to Fill the Vacancy in City Commission Group II: **Tuesday, November 8, 2022**

Run-Off Election (if required): **Tuesday, December 6, 2022**

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. (See 6.01 Miami Beach Charter.)

Nonpartisan Elections

All elections for the office of the City Commission shall be conducted on a nonpartisan basis without any designation or political party affiliation. (See 6.02 Miami Beach Charter.)

Qualifying

The City Commission shall cause to be placed on the ballot to be used in the Special Election to Fill the Vacancy in City Commission Group II 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 commencing on August 22, 2022 and ending August 25, 2022, 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 (August 8, 2022) a petition approving his/her 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 July 1, 2022 (the date fifty-two (52) days prior to the August 22, 2022 first day of qualifying as a candidate for Commission Group II office.) (See 6.02 Miami Beach Charter, City Resolution 2022-32260, and City Ordinance 2022-4507.)

Office Up for Election

Commissioner Group II – To hold office for the remainder of the term expiring November 2025, as provided by law.

The First Two Documents a Person Must File with the City Clerk to Become a Candidate

- **FORM DS-DE 9** - *Appointment of Campaign Treasurer and Designation of Campaign Depository for Candidates.* This form must be filed before making expenditures, accepting contributions, or circulating petitions. Each candidate shall, at the same time Form DS-DE 9 is filed, designate the office for which he/she is running.

  Note: Only persons designated as treasurer or deputy treasurer may sign campaign checks. A candidate may be his/her own treasurer or deputy treasurer. (See F.S. 106.021.)

- **FORM DS-DE 84** - *Statement of Candidate.* The candidate must file this form with the City Clerk within ten (10) days after the candidate files form DS-DE 9, Appointment of Campaign Treasurer and Designation of Campaign Depository for Candidates.

⚠ ***IMPORTANT*** - All documents filed with the Office of the City Clerk are public records and will be placed on the City's website.

Campaign Treasurers

Pursuant to 106.021 (1) (a), F.S., candidates must appoint one campaign treasurer and not more than three deputy campaign treasurers. Candidates may serve as campaign treasurer or deputy treasurer if the candidate desires.

⚠ ***IMPORTANT*** - A candidate should select a treasurer with knowledge of bookkeeping or accounting procedures, as well as basic computer skills.

Opening a Campaign Account

After filing the "Appointment of Campaign Treasurer and Designation of Depository (DS-DE 9)" with the City Clerk, a candidate may proceed to open a campaign account and begin to receive contributions. Section 106.021 (1) (b), F.S., provides that a campaign depository may be any bank, savings and loan association, or credit union authorized to transact business in the State of Florida. The campaign account must be separate from any personal or business account.

Please consult your bank to determine what documents are required to open a campaign account. Campaign checks must contain specific information outlined in the "Candidate & Campaign Treasurer Handbook."

⚠ ***IMPORTANT*** - A campaign account must be opened before qualifying. The qualifying fee ***MUST*** be paid with a check drawn on the candidate's campaign account.

Contribution Limits

The Contribution limit for all municipal candidates is $1,000 per contributor per election. Contribution limits do not apply to contributions made by a candidate to his/her own campaign. (See F.S. 106.08(1)(a).)

Salary

Mayor:	$10,000 per year and $6,000 vehicle allowance
Commissioner:	$6,000 per year and $6,000 vehicle allowance

Qualifying Period

Dates:	Monday, August 22, 2022 through Thursday, August 25, 2022
Hours:	8:30 a.m. to 5:00 p.m.
Location:	Miami Beach City Hall, 1700 Convention Center Drive, 1st Floor, Office of the City Clerk

⚠ ***IMPORTANT*** – Please keep in mind that all candidates will be filing their paperwork during this time. As such, please schedule an appointment with the Office of the City Clerk by calling 305.673.7411 or by emailing rafaelgrando@miamibeachfl.gov or regisbarbou@miamibeachfl.gov to ensure that there is personnel available to receive and review your paperwork for completeness.

Total Qualifying Fee

Commissioner: **$1,020** (Municipal Qualifying Fee of $900 + State Election Assessment Fee of $120)

The total qualifying fee is comprised of a Municipal Qualifying Fee of 7.5% of the salary of the office the candidate seeks (see Charter Section 6.03), plus a State Election Assessment Fee of 1.0% of the salary of the office the candidate seeks (see Section 99.093 (1) Florida Statutes).

Any person who seeks to qualify for election who is unable to pay the State Election Assessment Fee without imposing an undue burden on their personal resources or on resources otherwise available to him or her shall, upon written certification of such inability given under oath to the City Clerk, be exempt from paying the State Election Assessment Fee. (See Section 99.093 (2) Florida Statutes.) An Affidavit of Financial Hardship is included in the "Most Commonly Used Election Forms" section of this handbook.

⚠ ***IMPORTANT*** - The qualifying fee ***MUST*** be paid by a check drawn on the candidate's campaign account. The check from the campaign account is to be made payable to the City of Miami Beach for the total amount due.

Qualifying by Petition in Lieu of Paying the Municipal Qualifying Fee

If you intend to qualify for office by petition, rather than paying the Municipal Qualifying Fee, you may begin circulating your petitions any time after filing your Form DS-DE 9. *Petitions signed before the date Form DS-DE 9 is filed with the Office of the City Clerk are not valid.*

A petition in lieu of paying the Municipal Qualifying Fee shall be filed with the City Clerk **no later than noon** of the 14th day before the first day of qualifying as a candidate for such office. *(**Noon on August 8, 2022**, is the last day to submit to the City Clerk the petition in lieu of paying the Municipal Qualifying Fee.*) Said petition approving his/her candidacy must be signed by sufficient qualified and registered Miami Beach voters to constitute at least 2% of the number of voters as the same shall be on the date fifty-two (52) days before the first day of qualifying as a candidate for office **(July 1, 2022)**. Candidates may utilize the City of Miami Beach Petition in Lieu of Qualifying Fee form or State Form DS-DE 104 Candidate Petition Form. These forms are available on the City's "Most Commonly Used Election Forms" webpage located at https://www.miamibeachfl.gov/city-hall/city-clerk/election-information/most-commonly-used-election-forms/

As of July 1, 2022, fifty-two (52) days before August 22, 2022, the first day of qualifying as a candidate for office, the Miami-Dade County Elections Department reports that there are 49,510 qualified and registered voters in the City of Miami Beach. Hence, the number of signatures from qualified and registered City voters necessary to qualify by petition is **990**.

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 **(August 23, 2022)**, the City's 7.5% qualifying fee shall be waived by the City in the event the subject candidate should otherwise qualify for office pursuant to Section 6.03 of the City Charter.

If the candidate is unable to collect the required number of signatures, he/she may still qualify by paying the qualifying fee.

⚠ ***IMPORTANT*** - Candidates qualifying by petition in lieu of paying the Municipal Qualifying Fee are still required to pay the State Election Assessment Fee. (For the Office of Mayor, the State Election Assessment Fee is $160 and for the Office of Commissioner, the State Election Assessment Fee is

$120.) The State Election Assessment Fee ***MUST*** be paid by a **check drawn on the candidate's campaign account**. The check from the campaign account is to be made payable to the City of Miami Beach for the total amount due. Any person seeking to qualify for election who is unable to pay the State Election Assessment Fee without imposing an undue burden on personal resources or on resources otherwise available to him or her shall, upon written certification of such inability given under oath to the City Clerk, be exempt from paying the State Election Assessment Fee (see Section 99.093 (2) Florida Statutes). An Affidavit of Financial Hardship is included in the City's "Most Commonly Used Election Forms" webpage located at https://www.miamibeachfl.gov/city-hall/city-clerk/election-information/most-commonly-used-election-forms/

⚠ ***IMPORTANT*** - **Common Reasons for Invalid Petitions:**

- The voter's name is not listed or printed.
- The voter did not indicate or indicated an incorrect date signed.
- The voter did not include or listed the incorrect date of birth.
- The voter listed the wrong voter registration number.
- The voter's signature does not match records.
- The voter signed more than one petition for this candidate in this election.
- The voter does not reside in Miami Beach.
- The voter is not registered to vote in Miami Beach.

This is not a complete list of reasons that petitions may not be valid, only the most common.

Documents a Candidate Must File with the City Clerk During the Qualifying Period (August 22, 2022, through August 25, 2022)

The following items are required to be correctly submitted before the close of qualifying:

- Form DS-DE 9 - Appointment of Campaign Treasurer and Designation of Campaign Depository for Candidates – **if not already filed**.

- Form DS-DE 84 - Statement of Candidate – **if not already filed**.

- Form 1 (2021 Tax Year) - Statement of Financial Interest.

- Form 9 - Quarterly Gift Disclosure.

- Form DS-DE 302NP- Candidate Oath - Nonpartisan Office. (A candidate's name will appear on the ballot as it was written on the Candidate Oath form. Once the qualifying period has ended, this information CANNOT be changed.)

- City of Miami Beach Oath/Affirmation.

- Voluntary Statement of Fair Campaign Practices. (Optional)

- Affidavit Attesting to Compliance with Section 2-11.1(bb) of the Miami-Dade County Conflict of Interest and Code of Ethics Ordinance. (Optional at the Time of Qualifying)

- A check drawn on the candidate's campaign account to cover the applicable qualifying filing fee(s). The check must be made payable to the City of Miami Beach.

- At the time of qualifying, all candidates must present government-issued picture identification and their Voter Information Card.

If you currently hold an elected or appointed position, please consult with your attorney to determine whether you are required to resign from the office you presently hold to run for this office. (See Section 99.012 Florida Statutes.)

The Office of the City Clerk has notaries available and will notarize required campaign documents at no charge.

When you are prepared to submit your qualifying forms, please make an appointment to visit the Office of the City Clerk by calling 305.673.7411.

Note: All documents filed with the Office of the City Clerk are public records and will be placed on the City's website.

Pursuant to F.S. 99.061(7)(c), the City Clerk, as filing officer, performs only a ministerial function in reviewing qualifying papers. In determining whether a candidate is qualified, the filing officer shall review the qualifying papers to determine whether all items required have been properly filed and whether each item is complete on its face, including whether items that must be verified have been properly verified (by oath or affirmation) pursuant to F.S. 92.525(1)(a). The filing officer may not determine whether the contents of the qualifying papers are accurate.

Fingerprints / Photograph

Before submitting the necessary documents during the qualifying period, each candidate must go to the Miami Beach Police Department Records Section, 1100 Washington Avenue, to be fingerprinted and photographed as required by Section 6.03 of the City Charter. Please contact Police Records Manager Patrick Henry at 305-673-7776 X 23035 for an appointment. Fingerprints are processed Monday through Thursday, from 8:00 a.m. to 2:30 p.m. **Note: All candidates, even those running for reelection or who have previously run for office in Miami Beach, must be fingerprinted and photographed for the 2022 Special Election to Fill the Vacancy in City Commission Group II.**

City of Miami Beach Oath or Affirmation

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; and (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.

Campaign Treasurer's Reports

The campaign treasurer (or deputy treasurer) designated by a candidate shall file Campaign Treasurer's Reports of all contributions received, and all expenditures made, by or on behalf of such candidate. Campaign Treasurer's Reports shall be filed on the dates listed in the "Important Dates and Deadlines" section of this handbook. Failure to file a Campaign Treasurer's Report on the designated due date will subject the candidate to a fine for each day late. If a candidate fails to file a Report by the designated due date, he/she is subject to a fine of $50 per day for the first three days and $500 per day thereafter, not to exceed 25% of the receipts or expenditures, whichever is greater. However, for the Reports immediately preceding the Miami Beach Special Election to Fill the Vacancy in Group II or the Run-Off Election (if required), the fine is $500 per day, not to exceed 25% of the

total receipts or expenditures, whichever is greater. (See F.S. 106.07 (8)(b).) **Such fine shall be paid only from the personal funds of the candidate.**

Within twenty (20) days after receipt of the fine notice, a candidate may:

1. Pay the fine from personal funds (not campaign funds) to the City Clerk; or
2. Appeal the fine to the Florida Elections Commission and notify the City Clerk in writing.

In any reporting period during which a candidate has not received funds, made any contributions, or expended any reportable funds, the filing of the required Report for that period is waived. Candidates must nevertheless file timely a Waiver of Report electronically, with the Office of the City Clerk.

Once the Office of the City Clerk receives the Report, it becomes a public record. The Report will be posted on the Office of the City Clerk's Election webpage and will be available for inspection.

The function of the Office of the City Clerk regarding Campaign Treasurer's Reports is ministerial. The Office of the City Clerk will examine the Reports for completeness, but not correctness. The Office of the City Clerk is required to notify the Florida Elections Commission for failure to submit a report or repeated late filings.

Campaign Treasurer's Report Electronic Submittal

Each candidate required to file a Campaign Treasurer's Report with the City Clerk, pursuant to Chapter 106 of the Florida Statutes, shall file such Reports utilizing the City's electronic filing system. (See Section 38-9 of the Miami Beach City Code.)

After submitting Forms DS-DE 9 and DS-DE 84 to the City Clerk, the candidate and treasurer will receive a User ID Number, generic passwords, and generic PINs to access the City's online electronic filing system. Candidates and treasurers should change their passwords and PINs online.

Candidates and treasures may access the City's electronic filing system using the below link or by visiting the Office of the City Clerk's *November 8, 2022: Special Election To Fill Vacancy & Special Election For Referendums* website.

https://www.voterfocus.com/ws/WScand/candidate_login.php?county=munmiamibeach

Detailed instructions on how to use the City's online electronic filing system may be found at: https://www.miamibeachfl.gov/wp-content/uploads/2022/07/How-to-File-Financial-Reports-Online.pdf

A copy of the VR/VoterFocus Handbook on How to File Financial Reports Online dated August 11, 2021 (the latest version available) is also being provided to you.

Make sure to review your Campaign Treasurer's Report before the electronic submission. If the Report is incomplete, an amended Report will have to be filed.

Once the online Report is completed, both the candidate and treasurer must enter their PINs and click submit. Reports must be submitted electronically before midnight (Eastern Time) on the due date. Failure to submit a Report on time will result in a fine being assessed based on the date the Report is submitted electronically.

Campaign Treasurer's Reports are public records. These reports will likely be reviewed by opposing candidates, the public, and media outlets. In some cases, investigators from different governmental

agencies review these reports. Great care must be taken to ensure that the Campaign Treasurer's Reports are complete, accurate, and in compliance with all election laws.

If a campaign report has been accepted and is found to be incomplete, the candidate will be notified and required to file an amended campaign report.

⚠ ***IMPORTANT*** - Common Campaign Treasurer's Report Mistakes Made by Candidates and Campaign Treasurers:

- Incomplete addresses.
- Accepting a cash contribution and then spending it before it is deposited into the campaign account.
- Accepting anonymous contributions, such as passing the hat or selling tickets for fundraisers without getting the required information from contributors.
- Accepting cash contributions above $50, in aggregate, per election, from the same donor.
- Filing Campaign Treasurer Reports late.
- Showing a deficit in campaign contribution and expenditure reports.
- Spending monetary contributions before they are deposited into the campaign account.
- Paying for items with cash and/or a personal check instead of a campaign check.
- Accepting contributions to cover outstanding expenses after the election.
- Listing contributor occupation as "business owner," "sales," or other vague descriptions.
- Listing a contribution from "Mr. and Mrs." – the contribution must be listed from the individual who signed the check. (Division of Elections Opinion 93-10)
- Contributions over $100 without a clear description of the occupation or type of business of the contributor (unless the contribution is from a relative and the relationship is reported).
- Contributions received outside the reporting period. A contribution is considered received on the day the candidate or treasurer received the contribution, not the date it is deposited.
- Contributions that exceed the contribution limit of $1,000 per person, per election.
- Expenditures made outside the reporting period.
- The purpose of expenditures is not provided.
- The contribution type is incorrect

Additional Reporting Requirements

1. ***Vote-by-Mail Campaigning Reporting Requirement***
   In accordance with Section 12-14.1 of the Code of Miami-Dade County, municipal candidates must file form MD-ED 26 to disclose the names of paid campaign workers engaged in Vote-by-Mail activities. See TABS 7 and 20 of this handbook for more information.

2. ***Reporting of Solicitation of Contributions For Political Committees, Electioneering Communications Organizations, 501(c)(4) Organizations, and Political Parties***
   In accordance with Sections 12-14.2.1 and 12-14.2.2 of the Code of Miami-Dade County, Florida, municipal elected officers and municipal candidates must file form MD-ED 28 to publicly disclose their fundraising activities for Political Committees, Electioneering Communications Organizations, organizations exempt under Section 501(c)(4) of the Internal Revenue Code (except for homeowners associations) and/or Political Parties. See TABS 8 and 21 of this handbook for more information.

Early voting

The Miami-Dade County Supervisor of Elections has designated the following Early Voting schedule for the November 8, 2022 Miami Beach Special Election to Fill the Vacancy in Commission Group II, and has designated Miami Beach City Hall, 1700 Convention Center Drive, and the North Shore Branch Library, 7501 Collins Avenue, as the Early Voting locations within the City of Miami Beach:

Week 1 Dates
Monday, October 24 through Friday, October 28, 2022
Saturday, October 29 to Sunday, October 30, 2022
Week 2 Dates
Monday, October 31 through Friday, November 4, 2022
Saturday, November 5 to Sunday, November 6, 2022

The Miami-Dade County Elections Department's final Early Voting schedule hours and locations for the November 8, 2022 Miami Beach Special Elections to Fill the Vacancy in Commission Group II, have yet to be finalized. Once the Miami-Dade County Elections Department finalizes the hours and locations for the November 8, 2022 Miami Beach Special Election to Fill the Vacancy in Group II and City of Miami Beach Special Election, the City Clerk has been directed to transmit the information via Letter To Commission (LTC).

Secure ballot intake stations (Vote-by-Mail Drop Boxes) will be available and staffed at all the Miami-Dade County Early Voting locations, including the two Early Voting locations in Miami Beach: Miami Beach City Hall, 1700 Convention Center Drive, and North Shore Branch Library, 7501 Collins Avenue during Early Voting hours of operation.

⚠ ***IMPORTANT*** - The County Elections Department has advised that it will be unable to provide Early Voting for the Run-Off Election, if required.

Contact Information

The Office of the City Clerk must be able to always contact a candidate and/or campaign treasurer in case of questions or last-minute instructions. Please ensure that the Office of the City Clerk has

accurate cellular telephone numbers, mailing addresses, and e-mail addresses for the candidate and the campaign treasurer.

Campaign Headquarters

Each candidate may have up to four campaign headquarters, each of which shall be registered with the City Clerk. See Section 138-134 of the Miami Beach City Code.

Poll Watcher Information

Pursuant to Florida Statutes 101.131, each candidate may have one poll watcher in each polling room or early voting area at any one time during the election. Each candidate requesting to have poll watchers shall designate, in writing, utilizing Form DS-DE 125, before **noon** of the second Tuesday preceding the Election, poll watchers for each polling room on Election Day, and before **noon** at least 14 days before early voting begins for early voting sites. Form DS-DE 125 ***MUST*** be submitted to the City Clerk. See Other Important Dates Section – TAB 3.

No candidate, sheriff, deputy sheriff, police officer, or other law enforcement officer may be designated as a poll watcher. A poll watcher must be a qualified and registered voter of the county in which they serve as a poll watcher.

⚠ ***IMPORTANT*** - If there is a chance of a Run-Off, Candidates are recommended to designate their Poll Watchers for both the Miami Beach Special Election to Fill the Vacancy in Group II and the Run-Off at the same time.

Commission Agendas

Candidates for Miami Beach elected office frequently ask about the distribution of agenda packets so they may be kept fully informed of issues being considered by the City Commission. Commission agendas, including backup documents, are available at
https://www.miamibeachfl.gov/city-hall/city-clerk/agenda-archive-main-page-2/

Voter Data Request Packet

Voter data information (such as lists, labels, and demographics) is available upon request, for a fee, by contacting the Miami-Dade County Elections Department at 305.499.VOTE (8683). See TAB 14 of this handbook for more information.

Election Results

The Miami-Dade County Elections Department's website is the best and most up-to-the-minute source for election night results. On election night, there will be a link on the Elections Department's homepage that takes viewers directly to the results. Viewers may filter the races that appear on screen to only those races that they are interested in. The Miami-Dade County Elections Department homepage is located at www.iamelectionready.com

Disposition of Funds

Any candidate who withdraws, becomes unopposed, is eliminated, or is elected to office must dispose of his/her funds and file a report reflecting the disposition within 90 days after withdrawing, becoming unopposed, being eliminated, or elected. (See F.S. 106.141.)

Additional Information

For additional information, please refer to the Office of the City Clerk's Election Webpage located at: www.votemiamibeach.com

Frequently Dialed Telephone Numbers/e-mail addresses

Office of the City Clerk

- Rafael E. Granado, City Clerk 305.673.7411 RafaelGranado@miamibeachfl.gov
- Regis Barbou, Executive Assistant II 305.673.7411 RegisBarbou@miamibeachfl.gov

Miami-Dade County Elections Department

- Main Number 305.499.VOTE (8683)
- TTY Number 305.499.8480

Florida Division of Elections

- Main Number 1.850.245.6200