<b>ORDINANCE NO. 2023-1741</b>

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AN ORDINANCE OF THE TOWN COMMISSION OF THE 2 TOWN OF SURFSIDE, FLORIDA, AMENDING SECTION 3 101, "QUALIFYING FOR ELECTED OFFICE" OF THE 4 5 **TOWN CHARTER PURSUANT TO SECTIONS 100.3605(2)** AND 166.021(4), FLORIDA STATUTES, WITH LIMITED 6 APPLICABILITY TO ESTABLISH QUALIFYING DATES 7 8 AND SUPPLEMENTAL QUALIFYING DATES FOR THE 9 TOWN'S MARCH 19, 2024 GENERAL ELECTION; **PROVIDING INCORPORATION** FOR INTO 10 11 CHARTER: **PROVIDING FOR CODIFICATION:** PROVIDING FOR AUTHORIZATION; PROVIDING FOR 12 NOTIFICATION TO MIAMI-DADE COUNTY ELECTIONS 13 **DEPARTMENT: PROVIDING** FOR **SEVERABILITY:** 14 PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN 15 16 EFFECTIVE DATE.

WHEREAS, Section 105(1) of the Town of Surfside ("Town") Charter provides that the Town's General Election for election of the Mayor and Town Commissioners shall be held on the "third Tuesday in March in every even numbered calendar year" and related qualifying periods are set forth in Section 101 of the Town Charter; and

WHEREAS, the Town's next General Election is scheduled for March 19, 2024; and

WHEREAS, pursuant to Section 103.101, Florida Statutes, the Presidential Preference Primary (the "Presidential Primary") is scheduled to be held on the third Tuesday in March of each presidential election year; and

WHEREAS, the 2024 Presidential Primary is scheduled for March 19, 2024; and

WHEREAS, to retain the Town's March 19, 2024 General Election date which coincides with the 2024 Presidential Primary, the qualifying periods set forth in the Town Charter must be changed to accommodate the Miami-Dade County Elections Department (the "Department") December 1, 2023 deadline by which names of candidates for the Town's General Election must be provided to the Department; and

WHEREAS, pursuant to Sections 100.3605(2) and 166.021(4), Florida Statutes, municipalities are permitted to change, by ordinance, Charter provisions regarding, "the selection of election dates and qualifying periods for candidates and for changes in terms of office necessitated by such changes in election dates"; and

WHEREAS, the Town Commission finds that it is in the Town's best fiscal interest to retain its March 19, 2024 General Election date and change the related qualifying dates; and

## NOW, THEREFORE, BE IT ORDAINED BY THE COMMISSION OF THE TOWN OF SURFSIDE AS FOLLOWS:1

- 39 <u>Section 1.</u> The above-stated recitals are true and correct and are incorporated 40 herein by this reference.
- Section 2. Qualifying Dates Changed. For the Town's March 19, 2024 General Election, the qualifying periods set forth in Section 101 of the Town Charter are hereby changed to establish a qualifying period to commence on Friday, November 3, 2023 at 9:00 a.m. and end on Wednesday, November 22, 2023 at 12:00 p.m., with any amended qualifying petition (as otherwise permitted pursuant to Section 101 of the Town Charter) to be filed by no later than Wednesday, November 29, 2023 at 12:00 p.m.
  - <u>Section 3.</u> <u>Establishing End of Supplemental Qualifying Period.</u> That with regard to the Town's March 19, 2024 General Election, the end date for any supplemental qualifying period shall be Wednesday, November 29, 2023 at 12:00 p.m.
  - Section 4. Incorporation into Charter. The provisions of Section 2 of this Ordinance dealing with the limited change in qualifying dates for the Town's March 19, 2024 General Election, shall become and be made part of Section 101 of the Town's Charter, and all remaining language in the Charter dealing with qualifying for office not otherwise in conflict with and/or expressly referred to in this Ordinance shall apply to said March 19, 2024 General Election.
  - Section 5. <u>Inclusion in the Code.</u> The provision of Section 3 of this Ordinance dealing with the establishment of a date by which the supplemental qualifying period shall end for the Town's March 19, 2024 General Election, shall become and be made part of Section 26-14 of the Town's Code of Ordinances.
  - <u>Section 6.</u> <u>Authorization.</u> The Town Clerk is authorized to take all actions necessary to incorporate the provisions of this Ordinance into the Town Charter and Town Code in order to accomplish such intentions, and sections of this Ordinance may be implemented into the Charter and Code via footnote.
  - Section 7. Notification to Miami-Dade County. The Town Clerk is directed, upon adoption of this Ordinance on second and final reading, to notify the Miami-Dade County Elections Department of the subject changes in qualifying dates and to transmit certified copies of this Ordinance to the Miami-Dade County Supervisor of Elections.
  - Section 8. <u>Codification</u>. It is the intent of the Town Commission that the provisions of this ordinance shall become and be made a part of the Town's Charter and Code of Ordinances, and that the sections of this Ordinance may be renumbered or relettered, and the word "ordinance" may be changed to "section," "article," "regulation," or such other appropriate word or phrase in order to accomplish such intentions.

<sup>&</sup>lt;sup>1</sup> Coding: Strikethrough words are deletions to the existing words. <u>Underlined words</u> are additions to the existing words. Changes between first and second reading are indicated with highlighted double strikethrough and double underline.

72 73 74 75 76	Section 9. Severability. 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.
77 78	<u>Section 10.</u> <u>Conflicts.</u> All ordinances or parts of ordinances, resolutions or parts of resolutions, in conflict herewith, are repealed to the extent of such conflict.
79 80	Section 11. Effective Date. This Ordinance shall become effective immediately upon final adoption on second reading.
81	PASSED on first reading on the 18th day of April, 2023.
82	PASSED AND ADOPTED on second reading on the 9th day of May, 2023.
83	On Final Reading Moved By: Vice Mayor Rose
84	On Final Reading Second By: Commissioner Velasquez
85 86 87 88 89 90 91 92	FINAL VOTE ON ADOPTION  Commissioner Nelly Velasquez Yes  Commissioner Marianne Meischeid Yes  Commissioner Fred Landsman Yes  Vice Mayor Jeff Rose Yes  Mayor Shlomo Danzinger Yes
94 95	Shlomo Danzinger Mayor
96 97 98 99 100 101 102 103 104 105	Sandra McCready, MMC Town Clerk  APPROVED AS TO FORM AND LEGALITY FOR THE USE AND BENEFIT OF THE TOWN OF SURFSIDE ONLY:
106 107 108 109	Weiss Serota Helfman Cole & Bierman, P.L. Town Attorney