



TO: Candidates

FROM: Mario Bataille, CMC, City Clerk

DATE: February 28, 2023

RE: City of Miami Gardens General Election Information for Prospective Candidates

Pursuant to the City of Miami Gardens Charter, the next General Election will be held on August 20, 2024 for the purpose of electing a Mayor, Council Member Residential Seat 1, Council Member Residential Seat 3, and Council Member At-Large Seat 5. Each Candidate must be a qualified elector and meet the requirements set forth in the City Charter and Code of Ordinance.

OPENING A CAMPAIGN ACCOUNT:

When opening a campaign account a potential candidate must designate a campaign treasurer, or deputy treasurer and a bank depository. (The candidate can serve as either treasurer or deputy treasurer.) This information must be filed with the Office of the City Clerk. Within ten (10) days of opening the campaign account, candidates must file with the City Clerk the “Statement of Candidate-Form (DS-DE-84)” as prescribed by (Section 106.021, F.S.) willful failure to file this form is a first degree misdemeanor and a civil violation of the Campaign Financing Act, which may result in a fine of up to \$1,000.00, (Sections 106.09(1)(C), 106.265(1). Florida Statutes)

The Candidate & Campaign Treasurer Handbook, published by the Florida Department of State Division of Election is provided as a guide or visit - <https://dos.myflorida.com/media/704777/candidate-campaign-treasurer-handbook-2022-04-27-2022-nl.pdf>

CAMPAIGN CONTRIBUTION:

Section 2-476 of the Miami Gardens Code, entitled Campaign Contribution provides that: “No person shall make contributions to any city council or mayoral candidate in excess of \$1,000.00 per candidate”.

**Effective November 1, 2013*

Section 106.011(8), F.S. defines a “person” as an individual, corporation, association, firm, partnership, joint venture, joint stock company, club, organization, estate, business trust, syndicate, or other combination of individuals having collective capacity. The term also includes political party, political committee or committee of continuous existence.

COMPLIANCE WITH STATE LAW:

Section 2-477 of the Miami Gardens Code, entitled Compliance with state law provides that: All campaign contributions shall also be governed by Florida Statutes, Chapter 106.

PROHIBITED CAMPAIGN CONTRIBUTIONS BY VENDORS:

Section 2-478 of the Miami Gardens Code, entitled Prohibited Campaign Contributions by vendors provides that: No person who is a vendor to the city shall give a campaign contribution directly, or through a member of the person’s immediate family, or through a political committee, or through any other person, to a candidate or

to the campaign committee of a candidate. No candidate or campaign committee of a candidate shall solicit or receive any campaign contribution from a person who is a vendor to the city, or through a member of the person's immediate family, or through a political action committee, or through any other person on behalf of the person. This prohibition applies to natural persons and to persons who hold a controlling, financial interest in a business entity. A vendor is defined as "a person who is currently transacting business with the city, has an existing contractual relationship with the city, or has any open purchase order with the city."

PAYMENT TO CANDIDATES FOR ELECTIVE OFFICE PROHIBITED:

Section 2-479 of the Miami Gardens Code, entitled Payment to candidates for elective office prohibited provides that: It should be unlawful for any person to give, offer or promise to any candidate for anything of value for the purpose of influencing him/her to withdraw as a candidate for such elected public office, or for the purpose of influencing anyone to file as a candidate for public office. It should be unlawful for any person to solicit or receive a gift, offer or promise of anything of value in exchange for his/her withdrawing or filing of the candidate for any elected office.

COUNTY ETHICAL CAMPAIGN PRACTICE ORDINANCE:

Section 2-481 of the Miami Gardens Code, entitled County Ethical Campaign Practices Ordinance provides that: All candidates for elective office in the city are required to abide by the county ethical campaign practice ordinance.

FORM MD-ED 28 REPORTING OF SOLICITATIONS OF CONTRIBUTION FOR POLITICAL COMMITTEES, ELECTIONEERING COMMUNICATIONS ORGANIZATIONS, 501(C)(4) ORGANIZATIONS AND POLITICAL PARTIES. Effective January 1, 2017, Municipal Officers and Candidates must file form MD-ED 28 to publically disclose the commencement of fundraising activities for Political Committees, Electioneering Communications Organizations, Political Parties, and/or 501(c)4 organizations. This report must be filed within five (5) days of commencing solicitation activities, either directly or indirectly, on behalf of said organization.

**CITY OF MIAMI GARDENS GENERAL ELECTION – AUGUST 25, 2024
CALENDAR OF REPORTING DATES**

MONTHLY REPORTS:

Reports shall be filed on the 10th day following the end of a calendar month from the time the campaign treasurer is appointed, except that if the 10th day following the end of a calendar month occurs on a Saturday, Sunday, or legal holiday, the report shall be filed on the next following day that is not a Saturday, Sunday, or legal holiday.

<u>Cover Period</u>	<u>Report Code</u>	<u>Due Date</u>
12/1/22 – 12/31/22	2022 M12	1/10/2023
1/1/23 – 1/31/23	2023 M1	2/10/2023
2/1/23 – 2/28/23	2023 M2	3/10/2023
3/1/23 – 3/31/23	2023 M3	4/10/2023
4/1/23 – 4/30/23	2023 M4	5/10/2023
5/1/23 – 5/31/23	2023 M5	6/12/2023
1/1/2022 – 12/31/2022	2022 MUC* (PC Only)	7/1/2023
6/1/23 – 6/30/23	2023 M6	7/10/2023
7/1/23 – 7/31/23	2023 M7	8/10/2023
8/1/23 – 8/31/23	2023 M8	9/11/2023
9/1/23 – 9/30/23	2023 M9	10/10/2023
10/1/23 – 10/31/23	2023 M10	11/13/2023
11/1/23 – 11/30/23	2023 M11	12/11/2023
12/1/23 – 12/31/23	2023 M12	1/10/2024

*** If not reported as individual contributions when received, a political committee must report contributions that comprise multiple uniform contributions from the same person aggregating no more than \$250 per calendar year, collected by an organization that is the affiliated sponsor of the political committee. The report must list the name, address, and occupation of the person making the contribution; however, the occupation need not be listed if the aggregate contribution from the person is \$100 or less.**

QUALIFYING PERIOD:

The Qualifying Period will be determined at a later date in accordance with Section 2-443 of the Miami Gardens Code of Ordinance.

QUALIFICATIONS:

A candidate for the office of mayor or city council member shall qualify by paying to the city clerk the sum of \$200.00 as a qualifying fee, which fee shall be in addition to any fee required by the state, and by signing the oath required by section 2-444, the following additional provisions also apply:

1. A person may not be a candidate for more than one office in the same election.
2. Only electors of the city, as defined by section 5.1(a), of the city Charter, who have resided continuously in the city for at least one year preceding their qualifying date shall be eligible to hold the office of mayor, or city council member.
3. A person may not be a candidate for an open residential city council member seat unless that person has resided in the residential area he/she seeks to represent continuously for a period of one year preceding his/her qualifying date.

QUALIFYING FEE – must be drawn on campaign checking account:

The qualifying fee for the City of Miami Gardens General Election	\$ 200.00
Plus a state assessment fee for Mayor	\$ 800.00
Plus a state assessment fee for City Council	\$ 400.00
 TOTAL AMOUNT NEEDED AT QUALIFYING FOR CITY COUNCIL IS	 \$ 600.00
TOTAL AMOUNT NEEDED AT QUALIFYING FOR MAYOR IS	\$1000.00

***If a candidate qualifies by petition, pursuant to state law, that candidate must still pay the election assessment, unless the candidate files an undue burden oath prior to initiating the petition drive.**

ITEMS NEEDED WHEN QUALIFYING:

- Current Voter’s Registration Card;
- Proof that he/she has continuously resided in the City of Miami Gardens for at least one (1) year immediately before the date of the election in which he/she is seeking election; and has occupied a structure designed as residential property by the ordinances of the city;
- Pay the qualifying fee using a check drawn on the campaign account;
- Take the prescribed sworn oaths as provided by the Clerk; and
- Completed “Financial Disclosure/Statement of Financial Interest” form; and
- Signed “Declaration Form” as prescribed by Miami-Dade County Ord. #98-94.
- Temporary Non-Commercial Speech Sign Bond Application & \$200 Sign Bond (or check)

POLL WATCHER FORMS:

Due to the City of Miami Gardens' General Election being held in conjunction with Miami Dade County's Primary Election, candidates wishing to have poll watchers on the day of the election must have poll watcher forms completed in triplicate and in given to Miami-Dade County Division of Elections no later than two weeks prior to the Election Day at noon.

PLEASE NOTE: Miami-Dade County Division of Election, will upon the close of qualifying by all municipalities holding their election in conjunction with the State's Primary, provide Candidate push numbers. For further questions please contact Mario Bataille, CMC, City Clerk at 305-914-9129 or email at: mbataille@miamigardens-fl.gov.