

City of Miami

PRISCILLA A. THOMPSON, CMC
City Clerk



PEDRO G. HERNANDEZ, P.E.
City Manager

DATE: NOVEMBER 25, 2009
TO: ALL PROSPECTIVE CANDIDATES
RE: INFORMATION RELATIVE TO THE **SPECIAL ELECTION OF JANUARY 12, 2010** FOR THE POSITIONS OF COMMISSIONER DISTRICT 1, AND COMMISSIONER DISTRICT 5.

Priscilla A. Thompson

FROM: PRISCILLA A. THOMPSON, CMC, CITY CLERK

Enclosed please find updated information in reference to the January 12, 2010 City of Miami Special Election.

This letter contains information including deadlines for the filing of Campaign Treasurer's Reports of Contributions and Expenditures. Also enclosed with this letter you will find:

A compact disc containing common report forms, qualifying documents and the following:

- 2008 Candidate and Campaign Treasurer Handbook
- 2009 Candidates Handbook on Public Financing
- 2009 Florida Election Laws - Chapters 99, 105, and 106
- 2009 Guide to Florida Sunshine Laws and Code of Ethics
- 2008 Precinct/District/ZIP Code Cross Reference
- 2009 City of Miami Charter and Sec. 54.7 code on Political Advertisements
- 2008 Committee of Continuous Existence (CCE) Handbook
- 2009 List of Municipal Clerks
- 2009 Ordinance Relating to Ethical Campaign Practices
- 2008 Political Committee Handbook
- List of Common Report Forms used by Candidates and Committees
- Map of Commission Districts and ZIP Codes

For your added convenience, this information is available on the City of Miami website at:

http://www.miamigov.com/City_Clerk/Pages/Elections/CandidatesCommittee2010.asp.

While we attempt to provide accurate information, **you are legally responsible to ensure that your actions comply with applicable laws and regulations.**

We encourage you to familiarize yourself with applicable election laws and requirements and if, at any time, you feel this office can be of further assistance to you, do not hesitate to call. We are here to assist you.

2009-2010 DEADLINES FOR FILING CAMPAIGN TREASURER'S REPORTS OF CONTRIBUTIONS AND EXPENDITURES

SPECIAL ELECTION DATE: January 12, 2010

DUE DATE	REPORT CODE	REPORT PERIOD COVERED
Mon., Nov. 30, 2009		<i>First day to qualify as candidate</i>
Fri., Dec. 4, 2009		<i>Deadline to qualify as candidate 6:00 PM(38 days prior to the election)</i>
Fri., Dec. 11, 2009	(S1-10)	Oct. 1, 2009 to Dec. 4, 2009
Mon., Dec. 28, 2009	(S2-10)	Dec. 5, 2009 to Dec. 18, 2009
Thu., Jan. 7, 2010		<i>Contributions cannot be accepted after Jan 7, 2010</i>
Fri., Jan. 8, 2010	(S3-10)	Dec. 19, 2009 to Jan. 7, 2009
Tue., Jan. 12, 2010	Election Date	
Thu., Mar. 4, 2010	<i>Deadline to close campaign accounts for candidates who are unopposed or do not qualify. They must still close out their campaign account <u>90</u> days the following qualifying deadline.</i>	
Mon., Apr. 12, 2010	(TR-10)	Jan. 8, 2010 to Apr. 12, 2010
	<i>For candidates elected or eliminated on the general election (90 days after election).</i>	

HOW TO QUALIFY AS A CANDIDATE

Candidates for the City Commission shall have resided within the district at least one (1) year before qualifying and be electors in that district, and shall maintain a residence in that district for the duration of their term of office, if elected.

The first document a person must file to become a candidate is the **Appointment of Campaign Treasurer and Designation of Campaign Depository (Form DS-DE9)**. A candidate may appoint a campaign treasurer and designate a campaign depository at any time, but the appointment must be filed in the City of Miami Clerk's Office no later than the date the candidate qualifies for office.

Pursuant to Florida Statutes sections 106.19(l)(c) and 106.265(1) each candidate must file a **Statement of Candidate** with the qualifying officer **within 10 days** after the Appointment of Campaign Treasurer and Designation of Campaign Depository is filed.

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.

The first day to qualify for office in the **January 12, 2010** election is Monday, **November 30, 2009**. The last day to qualify is Friday, **December 4, 2009** at **6:00 p.m.** During this time period, the City Clerk's Office is open Monday through Thursday from 8 a.m. to 5 p.m. and Friday from 8 a.m. to 6:00 p.m.

We respectfully request of all prospective candidates to please call this office, in advance, in order to set up an appointment time for qualifying as a candidate. It is necessary that this office have sufficient time to adequately review the paperwork involved in connection with his/her qualification before the City Clerk. This will avoid confusion and conflicts in scheduling.

The following forms are **REQUIRED** to qualify as a candidate:

- 1) Appointment of Campaign Treasurer and Designation of Campaign Depository (Form DS-DE9)
- 2) DS-DE9
- 3) Statement of Candidate (Form DS-DE 84)
- 4) Affidavit of Candidate
- 5) FORM 1 Statement of Financial Interests (for prior year)
- 6) Loyalty Oath (DS-DE 24B)

The following forms are **OPTIONAL** to qualify as a candidate:

- 1) City of Miami Loyalty Oath
- 2) Declaration for Candidates Not Automatically Covered by the Miami-Dade Ethical Campaign Practices Ordinance

At the time of qualifying, all candidates must present proof of residence (i.e., copy of deed, lease, mortgage, utility bill, etc.) for one year prior to qualifying date and the present time. Please remember to bring picture identification, voter's registration card and campaign check. All qualifying forms are included on the CD entitled "2010 Special Election Information Packet" and on our website: http://www.miamigov.com/City_Clerk/Pages/Elections/CandidatesCommittee2010.asp.

INTERNAL REVENUE SERVICE (IRS) TAX REGULATIONS

Candidates with campaign receipts totaling a certain amount must register with the **IRS**, file regular disclosure reports, and file annual returns. For further information, please call the **IRS** Help line at 1-877-829-5500 or visit its website www.irs.gov.

QUALIFYING FEE / ELECTION ASSESSMENT

Pursuant to Ordinance Number 12363, prospective candidates shall pay, at the time of qualifying for office, a qualifying fee of \$100. In addition, Section 99.093 of the Florida Statutes requires each person seeking to qualify for nomination or election to a municipal office to pay, at the time of qualifying for office, an election assessment equal to one percent (1%) of the annual salary of the office sought, said amount to be later forwarded by the City to the Elections' Commission Trust Fund and the Election Campaign Financing Trust Fund, in Tallahassee.

SEAT	STATE ASSESSMENT	CITY FEE	TOTAL
Commissioner	\$582	\$100	\$682

A check from the campaign account is to be made payable to the City of Miami for the total amount due.

RESIGN TO RUN (Section 99.012, F.S.)

No "officer" may qualify as a candidate for another public office, whether state, district, county, or municipal, if the terms or any part thereof run concurrently with each other, without resigning from the office he/she presently holds. The resignation is irrevocable. The written resignation must be submitted at least **10 days prior to the first day of qualifying** for the office he/she intends to seek. The resignation must be effective no later than the earlier of the following dates: (1) The date the officer would take office, if elected; or, (2) The date the officer's successor is required to take office. With respect to a municipality, the term "officer" means a person, whether elected or appointed, who has the authority to exercise municipal power as provided by the State Constitution, state laws, or municipal charter.

NAME APPEARANCE ON THE BALLOT

The name printed on the ballot ordinarily should be the given name and surname. Any name by which a candidate is known is sufficient on the ballot, and a person is legally permitted to have printed on the ballot the name which the candidate has adopted and under which he or she transacts private and official business. A candidate may use a legitimate nickname.

Election officials, however, may be justified in refusing to print on the ballot a candidate's nickname when it is not shown that the nickname ever was used by the candidate as part of his legal name, and such officials may be equally justified in refusing to print on the ballot a candidate's choice of a name which has not been adopted by him or her and under which the candidate has not transacted private and

official business. Descriptive information such as a title (for example, Dr. or M.D.), although not part of a persons' name, is permissible only when two persons of the same name or whose names are so similar as to reasonably cause confusion, seek the same office.

APPLICABLE FINES ON LATE FILING OF REPORTS

Pursuant to F.S. 106.07 (8)(b), election law provides that:

"Upon determination that a report is late, the filing officer shall immediately notify the candidate... as to the failure to file a report by the designated due date and that a fine is being assessed for each late day. The fine shall be \$50 a day for the first 3 days late and thereafter, \$500 per day for each late day, not to exceed 25 percent of the total receipts or expenditures, whichever is greater, for the period covered by the report. However, for the reports immediately preceding each primary and general election, the fine shall be \$500 per day for each late day, not to exceed 25 percent of the total receipts or expenditures, whichever is greater, for the period covered by the report."

Reports shall be filed not later than 5 PM of the day designated; however, any report postmarked by the U.S. Postal Service no later than midnight of the day designated shall be deemed to have been filed in a timely manner. A certificate of mailing obtained from and dated by the U.S. Postal Service at the time of mailing, or a receipt from an established courier company, which bears a date on or before the date on which the report is due, shall be proof of mailing in a timely manner. The Florida Elections Commission has determined that failure of the U.S. Postal Service or a courier service to properly postmark an envelope of a campaign treasurer's report to show proof of mailing, or timely deliver a campaign treasurer's report, does not constitute unusual circumstances to waive a fine for late filing."

DISPOSITION OF SURPLUS FUNDS (Termination Report)

F.S. 106.141 states, in part:

"(1) Each candidate who withdraws his candidacy, becomes an unopposed candidate, or is eliminated as candidate or elected to office shall, within 90 days, dispose of the funds of deposit in his campaign account and file a report reflecting the disposition of all remaining funds. Such candidate shall not accept any contributions, nor shall any person accept contributions on behalf of such candidate, after the candidate withdraws his candidacy, becomes unopposed, or is eliminated or elected."

"(2) Any candidate required to dispose of funds pursuant to this section may, prior to such disposition, be reimbursed by the campaign, in full or in part, for any reported contributions by the candidate to the campaign."

You are further reminded to review provisions of Section 106.141 of the Florida Statutes to dispose of surplus funds by candidates.

OATH OF OFFICE

Pursuant to City Charter Section 4(b), the Mayor and all City Commissioners are to hold office from twelve o'clock noon five days after the canvass of the vote by the supervisor of elections and the declaration of the result of either (1) the general municipal election or (2) runoff election and until their successors are elected and qualified. City Code Section 16-8 states that if, at the close of the qualifying period, there is only one candidate's name listed on the general municipal election ballot for a specific seat, no election shall be required, and said candidate shall be declared elected for that particular term of office as of five days after the date of the scheduled general municipal election.

TERM LIMITS

Pursuant to City Charter Section 4(b), commencing with the election to be held in November 2001, and all elections subsequent thereto, **no** Mayor or City Commissioner elected and qualified for two consecutive full terms shall be eligible for reelection in the next succeeding term