

FREQUENTLY ASKED QUESTIONS and Candidate Qualifying Information for the Office of City Councilmember

WHY HAS THE CITY OF HIALEAH CALLED A SPECIAL ELECTION?

In order to comply with the City's Charter provisions on the filling of a permanent vacancy on the City Council and general state election laws, a Special Primary Election has been called for the City of Hialeah to be held on Tuesday, November 8, 2022, if two or more candidates qualify for Group Seat IV to fill the balance of the term of office of elected Councilmember Oscar De la Rosa who resigned effective January 26, 2022.

QUALIFICATIONS: What is the residency requirement for candidates?

1. Be an elector of the City. [\[City of Hialeah Charter, Article V, Section 5.01\]](#)
 - Resident of the City
 - Qualified Florida Elector
 - Registered to vote in the manner prescribed by law
2. Electors of the City of Hialeah for one (1) year prior to the primary or election to which that person intends to seek election. [\[City of Hialeah Charter, Article V, Sections 5.05\]](#)

TYPE OF ELECTION: Are elections in Hialeah conducted on a partisan or nonpartisan basis?

Nonpartisan [\[City of Hialeah Charter, Article V, Section 5.02\]](#)

TERM: How long is the term for an elected Councilmember?

Four (4) years or until a successor shall be duly qualified and takes office. [\[City of Hialeah Charter, Article II, Section 2.01\(b\)\]](#)

The term for City Councilmembers shall commence on the third day after his or her election at 12 o'clock noon, at which time the newly elected official shall be given an oath of office and installed in office. [\[City of Hialeah Charter, Article V, Section 5.10\]](#)

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How long is the term for the Councilmember elected during the November 8, 2022 City of Hialeah Special Primary Election or the December 6, 2022 City of Hialeah Special General Election to fill the vacancy for City Councilmember Group Seat IV?

The term of office for the City Councilmember elected shall commence on the third day after his or her election at 12 o'clock noon and shall end on November 10, 2023 or until a successor shall be duly qualified and takes office.

TERM LIMIT:

Is there a term limit for Councilmember, and if so, how long is the term limit for?

No person shall be elected to serve as Councilmember for more than three (3) consecutive terms. [\[City of Hialeah Charter, Article II, Section 2.02\(d\)\]](#)

SALARY:

What is the annual salary of a Councilmember?

The annual salary of City Councilmembers shall be approved as an annual budgetary item. The current salary of a City Councilmember is \$44,000.32. [\[City of Hialeah Charter, Article II, Section 2.02\(e\)\]](#)

ELECTION DATES:

On what date is the 2022 City of Hialeah Election scheduled to take place?

November 8, 2022 – Special Primary Election [City of Hialeah Ordinance No. 2022-020, adopted on March 22, 2022]

December 6, 2022 – Special General Election (should a run-off election be required) [City of Hialeah Ordinance No. 2022-020, adopted on March 22, 2022]

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QUALIFYING INFORMATION:

We request that all prospective candidates contact the Office of the City Clerk at (305) 883-5820, in advance, in order to schedule an appointment to file qualifying documentation.

QUALIFYING DATES: When is the qualifying period for the November 8, 2022 Special Primary Election?

During business hours after 12:00 noon (12:00 p.m.) on Monday, July 11, 2022 to 5:00 p.m. on Monday, August 1, 2022.

What does a person who seeks the Office of City Councilmember need to do during the qualifying period?

A person who seeks the Office of City Councilmember shall file such person's qualification papers, pay the qualifying fee, and pay the assessment according to state law unless exempted from payment, to the City Clerk at any time during the qualifying period. [\[City of Hialeah Code, Section 34-2\]](#)

QUALIFYING REQUIREMENTS: What qualification papers does a person seeking the Office of City Councilmember need to file during the qualifying period, and what fees need to be paid?

1. ***Appointment of Campaign Treasurer and Designation of Campaign Depository for Candidates – [\(Form DS-DE 9\)](#)**
 - a. The following information has all been obtained from the [Florida Department of State – Division of Elections Candidate & Campaign Treasurer Handbook](#):
 - This is the first document that must be filed with the Hialeah City Clerk to become a candidate.
 - At the same time that the document is filed with the Hialeah City Clerk, the candidate must designate the office for which he or she is running.

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- A candidate can appoint a campaign treasurer and designate a campaign depository at any time, but no later than the date the candidate qualifies for office, and before any contributions are received, and any expenditures are made.
- Shall be filed with the Hialeah City Clerk prior to opening the campaign account.
- The form is considered “filed” only when the filing officer receives the form and determines that the form is complete with *original* signatures.

2. **Statement of Candidate** – ([Form DS-DE 84](#))

- Must be filed with the Hialeah City Clerk within ten days after the filing of the DS-DE 9 form - Appointment of Campaign Treasurer and Designation of Campaign Depository for Candidates.
- This form states that the candidate has been provided access to read and understand the requirements of Chapter 106 of the Florida Statutes.

3. ***Candidate Oath – Nonpartisan Office** – ([Form DS-DE 302NP](#))

- The candidate’s oath must contain the name of the candidate as it is to appear on the ballot; the office sought, including the group number, and the signature of the candidate, which must be verified under oath or affirmation pursuant to Section 92.525(1)(a) of the Florida Statutes.

4. ***Statement of Financial Interests** – ([CE Form 1](#))

5. **Proof of Voter Registration**

6. **Government Issued Identification Card**

7. [Affidavit of Candidate](#)

8. [Acknowledgment by Candidates Covered by the Mandatory Provision of the Ethical Campaign Practices Ordinance](#)

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9. ***Qualifying fee** of \$100.00 is to be paid by means of a check drawn from the candidate's campaign account as prescribed in [Section 106.11\(1\) of the Florida Statutes](#), made payable to "City of Hialeah". [[City of Hialeah Charter, Section 5.05](#) and [Section 34-2 of the City of Hialeah Code](#)]
10. *In accordance with State law, an **Election Assessment** of \$440.00 is to be paid by means of a check drawn from the candidates campaign account as prescribed in [F.S. 106.11\(a\)](#), made payable to "City of Hialeah", unless exempted from payment.
 - The Election Assessment is equal to one percent (1%) of the annual salary of the office sought.
 - Any person seeking to qualify for election to a municipal office who is unable to pay the election assessment 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 qualifying officer, be exempt from paying the election assessment. [Florida Elections Commission Affidavit of Financial Hardship](#)
11. [Declaration and First Amendment Waiver](#) for candidates who agree to comply with the [Voluntary Statement of Fair Campaign Practices](#) (optional)

POLITICAL CAMPAIGN SIGNS

November 8, 2022 Special Primary Election

- Political campaign signs can be displayed on private property beginning on Wednesday, August 10, 2022.
- Political campaign signs must be removed within thirty (30) days after one of the following events: withdrawal date of candidacy, elimination date of candidacy or date of election to office.

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- Signs must be removed from private property no later than Thursday, December 8, 2022 for candidates who are eliminated or elected on November 8, 2022.

December 6, 2022 Special General Election (if necessary)

- Political campaign signs can be displayed on private property beginning on Wednesday, August 10, 2022.
- Political campaign signs must be removed within thirty (30) days after one of the following events: withdrawal date of candidacy, elimination date of candidacy or date of election to office.
- Signs must be removed from private property no later than Thursday, January 5, 2023 for candidates who are eliminated or elected on December 6, 2022.

Sign Bond in the amount of \$150.00

- If a person installs or causes to install in excess of fifty (50) signs, such person shall post a bond in the principal amount of \$150.00 as security for the recovery of expenses in connection with the City removing noncompliant signs. [\[City of Hialeah Code, Section 74-148\(b\)\(3\)\]](#)

Restrictions on Political Campaign Signs shall be as follows, pursuant to [Chapter 74 of the City of Hialeah Code](#)

- 1 per lot or 1 per frontage on each right-of-way for each candidate in both residential and nonresidential districts.
- Maximum area of 8 square feet in both residential and nonresidential districts.
- Maximum height of 2 feet in both residential and nonresidential districts.
- Maximum area of thirty-two (32) square feet and maximum height of eight (8) feet for political campaign signs on undeveloped lots exceeding one acre in size, excluding outparcels.

Violations

- The City shall treat political candidates as primarily responsible for unlawful signs. The City shall proceed administratively or in court against the political candidate or other legal entity that installs or maintains or causes an unlawful sign to be maintained or installed prior to proceeding against the property owner.

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MANDATORY REPORT IDENTIFYING ALL PAID CAMPAIGN WORKERS PARTICIPATING IN VOTE-BY-MAIL ACTIVITIES

Pursuant to Section 12-14.1 of the Code of Miami-Dade County, Florida, candidates running for municipal office in Miami-Dade County whose paid poll workers are engaged in vote by mail ballot activities must file form [MD-ED 26](#) with the Office of the City Clerk. Form MD-ED 26 is due at the same time Campaign Treasurer's Reports are due.

REPORTING OF SOLICITATION OF CONTRIBUTIONS FOR POLITICAL COMMITTEES, ELECTIONEERING COMMUNICATIONS ORGANIZATIONS, 501(c)(4) ORGANIZATIONS AND POLITICAL PARTIES

In accordance with Ordinance No. 16-46 and 16-75, codified in Sections 12-14.2 and 12-14.2.1 of the Code of Miami-Dade County, Florida, respectively, Municipal Elected Officers and Candidates must file form [MD-ED 28](#) to publicly disclose their fundraising activities for Political Committees or Electioneering Communications Organizations.

Effective January 1, 2017, each candidate for municipal office in Miami-Dade County shall insure that their designated campaign treasurer shall, within five (5) days of commencing solicitation activities, either directly or indirectly, on behalf of a political committee or electioneering communications organization, file a one-time report with the filing officer (City Clerk) indicating that the candidate is undertaking solicitation activities on behalf of such political committee or electioneering communications organization. The report shall identify the name or the political committee or electioneering communications organization on behalf of whom such funds are being solicited and a description of the relationship between the candidate and the political committee or electioneering communications organization.

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POLL WATCHERS

Pursuant to [Section 101.131 of the Florida Statutes \(2021\)](#), each candidate may have one 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 using form DS-DE 125, no later than noon of the second Tuesday preceding the election for election day, and no later than noon at least fourteen (14) days before early voting begins for early voting. Form [DS-DE 125](#) must be submitted to the City Clerk.

The poll watchers for polling rooms shall be approved by the Miami-Dade County Supervisor of Elections on or before the Tuesday before the election.

Poll watchers for early voting areas shall be approved by the Miami-Dade County Supervisor of Elections no later than seven (7) days before early voting begins.

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