

**ORDINANCE NO. 2022-020**

ORDINANCE OF THE MAYOR AND THE CITY COUNCIL OF THE CITY OF HIALEAH, FLORIDA PROVIDING FOR A SPECIAL PRIMARY ELECTION TO BE HELD IN THE CITY OF HIALEAH ON TUESDAY, NOVEMBER 8, 2022, THE SAME DATE AS THE GENERAL ELECTION FOR MIAMI-DADE COUNTY, TO FILL A VACANCY FOR CITY COUNCILMEMBER GROUP SEAT IV PROVIDING FOR A SPECIAL GENERAL ELECTION (RUN-OFF ELECTION) TO BE HELD ON TUESDAY, DECEMBER 6, 2022, IF NECESSARY; PROVIDING FOR THE MIAMI-DADE COUNTY ELECTIONS DEPARTMENT TO CONDUCT THESE ELECTIONS AND OTHER MATTERS RELATING THERETO; AND PROVIDING FOR EARLY VOTING TIMES AND DATES FOR THE CITY OF HIALEAH SPECIAL PRIMARY ELECTION AND NO EARLY VOTING FOR THE SPECIAL GENERAL ELECTION, SHOULD A SPECIAL GENERAL ELECTION BE HELD; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND THE CITY COUNCIL OF THE CITY OF HIALEAH, FLORIDA, THAT:

**Section 1: Purpose.**

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 is hereby called for the City of Hialeah, Florida 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 on October 26, 2022. A Special General Election (Run-off election) is hereby called for the City of Hialeah, Florida on Tuesday, December 6, 2022, if necessary.

**Section 2: Conduct of Election.**

The Miami-Dade County Supervisor of Elections is requested and authorized to conduct these elections in accordance with the general election laws of the State of Florida and the Charter and Code

of the City of Hialeah, Florida. The City will pay all expenses associated with these elections as may be defrayed by the payment made by other local governments running concurrent elections.

**Section 3. Form of Ballot.**

The ballot form to be used shall be as provided by the Miami-Dade County Supervisor of Elections.

**Section 4. Opening and Validating Vote by Mail Ballots.**

The criteria and requirements for the opening and validating of vote by mail ballots and canvassing of ballots shall be the same as followed by the Miami-Dade County Supervisor of Elections. All vote by mail ballots shall comply with the minimum requirements of state law.

**Section 5. Canvassing Board.**

The Canvassing Board for the Hialeah Special Primary Election of November 8, 2022 shall be as determined by the Miami-Dade County Supervisor of Elections.

Should a Special General Election (Run-off) be necessary on December 6, 2022, the Canvassing Board shall be comprised of two county court judges appointed by the chief judge of the Eleventh Judicial Circuit, Miami-Dade County, and the City Clerk. In the event a county court judge selected by the chief judge under this subsection 5 is unable to serve on the Canvassing Board, such county court judge shall be replaced with another county court judge appointed by the chief judge to serve as a substitute member; in the event any other member of the Canvassing Board under this subsection 5 is unable to serve, such member shall be replaced with a county court judge appointed by the chief judge to serve as substitute member. The members in attendance will be the Canvassing Board for the Logic and Accuracy Test and the canvass of ballots on Election Day. If no member of the Canvassing Board attends the Logic and Accuracy Test and/or the canvassing of ballots on Election Day, the City Clerk shall serve as the Canvassing Board designee.

The City of Hialeah hereby designates the Miami-Dade County Supervisor of Elections to conduct the Pre-count Logic and Accuracy Test of the Optical Scan System used for paper ballots, begin the processing and opening of vote by mail ballots and duplicate ballots as needed, for the Special Primary Election and for the Special General Election, if a Run-off election is necessary.

**Section 6. Certification of Results.**

The Canvassing Board will make the official certification of the primary results on or about 10:00 a.m. on Friday, November 18, 2022, at a special meeting for all ballots cast in the election, including provisional ballots.

The Canvassing Board will make the official certification of the general election results on or about 5:00 p.m. on Thursday, December 8, 2022, at a special meeting following the Special General Election, if conducted, for all ballots cast in the election, including provisional ballots.

**Section 7: Registration of Voters.**

The Miami-Dade County Supervisor of Elections will register voters for the Special Primary Election until 5:00 p.m., on Monday, October 10, 2022; and for the Special General Election until 5:00 p.m. on Monday, November 7, 2022. All persons eligible to vote at these elections must be registered before the times stipulated above or have registered previously, as provided by law.

**Section 8: Polling Places, Hours of Voting.**

Polling places for these elections will be as designated by the Miami-Dade County Supervisor of Elections and will be open from 7:00 a.m. to 7:00 p.m. on each election day.

**Section 9: Qualification of Candidates.**

No person shall be eligible to be a candidate for office who has not been properly qualified as a legal voter in the City of Hialeah, Florida for one year prior to the primary or election to which the candidate intends to seek election. No person who is a candidate for office shall be permitted to serve on the Election Board, a board that is appointed by the Miami-Dade County Supervisor of Election

and comprised of poll workers who serve as clerks or inspectors for each precinct, for these elections as either inspector or clerk. Each person, before being eligible to have his or her name placed on the ballot, must qualify in person at the office of the City Clerk no earlier than 12:00 noon on Monday, July 11, 2022, and no later than 5:00 p.m. on Monday, August 1, 2022, by submitting all required qualification papers with a filing fee of \$100.00 plus an election assessment pursuant to Section 99.093(1), Florida Statutes.

**Section 10: Method of Election and Terms of Office**

If two or more candidates qualify for the Office of Councilmember for Group numbered IV, then a Special Primary Election shall be conducted for Group Seat IV. The two candidates for nomination to the Office of Councilmember for Group Seat IV who receive the greatest vote in the Special Primary Election shall be placed on the ballot at the Special General Election for Group Seat IV, except as provided herein. The candidate for the Office of Councilmember who receives the greatest number of votes cast for Group Seat IV in this Special General Election shall be deemed elected. If a Special Primary Election is conducted for Group Seat IV, and any candidate receives a majority (50% plus one vote) of all the votes canvassed and certified for the office sought, then the candidate receiving such majority vote shall be deemed elected for that group seat. No election for Group Seat IV shall be required if there is only one duly qualified candidate for that group seat.

**Section 11: Notice.**

Notice of these elections shall be according to state law.

**Section 12: Early Voting.**

The City shall comply with the times and locations of early voting as established by the Miami-Dade County Supervisor of Elections pursuant to state law for the November 8, 2022 Special Primary Election.

There will be no early voting for the December 6, 2022 City of Hialeah Special General Election (Run-off election); if a run-off election is necessary.

**Section 13: Repeal of Ordinances in Conflict.**

All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

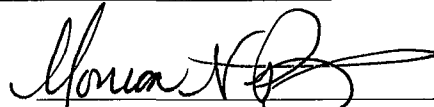
**Section 14: Severability Clause.**

If any phrase, clause, sentence, paragraph or section of this ordinance shall be declared invalid or unconstitutional by the judgment or decree of a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of this ordinance.

**Section 15: Effective Date.**


This Ordinance shall become effective when passed by the City Council and when signed by the Mayor or at the next regularly scheduled City Council meeting, if the Mayor's signature is withheld or if the City Council overrides the Mayor's veto.

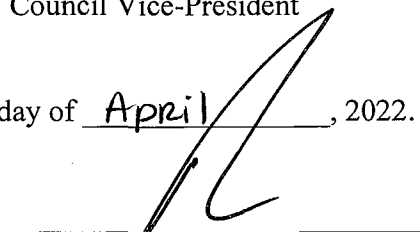
PASSED and ADOPTED this 22 day of March, 2022.

  
Monica Perez  
Council Vice-President

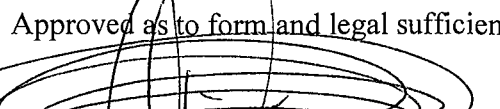
Attest:

Approved on this 7 day of April, 2022.

  
Marbelys Fatjo, City Clerk

  
Mayor Esteban Bovo, Jr.

Approved as to form and legal sufficiency:

  
Lorena Bravo, City Attorney

Ordinance was adopted by 6-0-1 vote with Councilmembers Calvo, Casáls-Muñoz, Garcia-Roves, Perez, Rodriguez, and Tundidor voting "Yes" and with Council President Zogby absent.

3/28/2022 4:16 PM

Report of Scrivener's Error – On March 22, 2022, the City Council passed and adopted Ordinance No. 2022-020 calling for a Special Primary Election to be held in the City of Hialeah on Tuesday, November 8, 2022 to fill a vacancy for City Councilmember Group IV and providing

for a Special General Election (run-off election) to be held on Tuesday, December 6, 2022, if necessary. The ordinance incorrectly provides the date of resignation of former Councilmember Oscar De la Rosa as October 26, 2022. The ordinance is hereby being amended to reflect Mr. De la Rosa's effective date of resignation as January 26, 2022.