

IN THE CIRCUIT COURT OF THE 11th
JUDICIAL CIRCUIT IN AND FOR
MIAMI-DADE COUNTY, FLORIDA

GENERAL JURISDICTION DIVISION

CASE NO. 2011 _____

MARCELO LLORENTE,

Plaintiff,

vs.

LESTER SOLA, Supervisor of
Elections, Miami/Dade County,
Florida, The BOARD OF COUNTY
COMMISSIONERS of MIAMI-
DADE COUNTY, Florida, ALINA
TEJEDA HUDAK, County
Manager for MIAMI DADE
COUNTY, Florida, KURT S.
BROWNING in his capacity as
Florida Secretary of State,

Defendants.

COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF
(Temporary Injunction Requested)

The Plaintiff, **MARCELO LLORENTE**, sues the Defendants, **LESTER SOLA**,

Supervisor of Elections, Miami/Dade County, Florida, The BOARD OF COUNTY COMMISSIONERS of MIAMI-DADE COUNTY, Florida, ALINA TEJEDA HUDAK, County Manager for MIAMI-DADE COUNTY, Florida, KURT S. BROWNING in his capacity as Florida Secretary of State, and alleges as follows:

1. This action is initiated pursuant to § 86.021, Florida Statutes, and pursuant to the General Equity Jurisdiction of the Court as established in §26.012, F.S., asking this court to (i) declare that provisions of House Bill (HB) 1355 relating to Early Voting can not be enforced in the Miami Dade County Special Election, authorized by Miami-Dade County Resolution Number R-272-11 adopted by the Miami Dade County Board of County Commissioners on April 11, 2011, and (ii) to award injunctive relief to direct Defendants Lester Sola, Alina Tejeda Hudak and the Miami Dade County Board of County Commissioners to reinstate the Early Voting times for Sunday, May 22, 2011 is also requested.

2. The Plaintiff, MARCELO LLORENTE, is a qualified elector within Miami/Dade County, Florida, entitled to vote in election for Mayor of Miami-Dade County in the election to be held on May 24, 2011 and a properly qualified candidate for election to that seat. As a candidate for Mayor, MARCELO LLORENTE has spent campaign funds to prepare for an election with early voting dates from May 9, 2011 through May 22, 2011.

3. The Defendant, LESTER SOLA, ("SOLA") is the Supervisor of Elections for Miami-Dade County, Florida and is sued in his official capacity. Defendant SOLA is the constitutional officer charged with administering elections within Miami-Dade County, Florida. Defendant SOLA is joined as a necessary and indispensable party for the purposes of the relief sought by this action.

4. The Defendant, ALINA TEJEDA HUDAK ("HUDAK") is the County Manager of Miami-Dade County and is sued in her official capacity as chief operational officer of Miami-Dade County. Defendant HUDAK is joined as a necessary and indispensable party for the purposes of the relief sought by this action.

5. The Defendants, the Board of County Commissioners of Miami Dade County, Florida ("BCC"), are the policy making entity and *de facto* governing entity of Miami-Dade County, Florida. Defendants BCC are joined as a necessary and indispensable party for the purposes of the relief sought by this action.

6. The Defendant, KURT S. BROWNING ("BROWNING"), is the Florida Secretary of State. Defendant BROWNING is the Chief Election Officer of the State pursuant to Florida Statutes, and is charged with enforcing the State's Election laws and advising the individual supervisors of election on election policy. Defendant BROWNING is joined as a necessary and indispensable party for the purposes of the relief sought by this

action.

7. On May 24, 2011, an election will be held, *inter alia*, for the office of Mayor of Miami-Dade County.

8. Section 3.06 of the Miami-Dade County Charter states that: "*Except as otherwise provided by this Charter or by ordinance adopted hereunder the provisions of the election laws of this state shall apply to elections held under this Charter.*"

9. Florida Statutes § 101.657, states in part: "*The supervisor shall designate each early voting site by no later than the 30th day prior to an election All early voting sites in a county shall be open on the same days for the same amount of time Early voting shall begin on the 15th day before an election and end on the 2nd day before an election.*"

10. On April 11, 2011, Defendants, the BCC, passed County Resolution R-272-11 (a copy of which is attached hereto and incorporated herein by reference as Exhibit "A") calling for a Special Election to be held on May 24, 2011 for the office of Mayor of Miami-Dade County and stating that: "*Early voting for these elections shall be conducted in accordance with the requirements of general election laws. A total of twenty (20) early voting sites will be used during this election.*"

11. On or before May 5, 2011, the Miami Dade County Division of Elections disseminated a notice (a copy of which is attached hereto and incorporated herein by

reference as Exhibit "B") to the General Public that included a sample ballot of all candidates and races for the May 24, 2011 election as well as procedures for the request of absentee ballots and the dates and times for all early voting locations stating that early voting was to begin on May 9, 2011 and end on May 22, 2011 with set hours for all days of early voting. All early voting sites and early voting hours were based on the same sites and hours as the ones during the November 2010 general election.

12. On or about April 29, 2011, the Miami-Dade County Elections office sent out the first in a series of absentee ballots to voters who had previously requested them, thus beginning the process of the May 24, 2011 Special Election.

13. On May 6, 2011, the Florida Legislature sent HB 1355 (passed by both chambers the previous evening) to the Governor of the State of Florida for his approval. The bill, which is designated to take effect upon the signature of the Governor, amended several sections of the Florida Election Code. Section 101.657 (1)(d), F.S., was amended to state that early voting shall end on the 3rd day before the election. As of May 16, 2011, the Governor had NOT signed HB 1355 into law.

14. In accordance with the notice to the public sent out on May 5, 2011, early voting in the Miami-Dade County Special Election began at seven (7) A.M. on May 9, 2011 and would continue through May 22, 2011.

a. 13. On May 16, 2011, Defendant HUDAK issued a Memorandum (a copy of which is attached hereto and incorporated herein by reference as Exhibit "C") to the Defendants BCC and SOLA stating that pursuant to the Governor's anticipated signing of HB 1355, the County was canceling early voting for Sunday, May 22, 2011.

15. Section 10 of the Florida Constitution specifically states that no *ex post facto* law may be passed by the State.

16. Because the special election for Mayor of Miami-Dade County had already commenced and all early voting times had been disseminated to the public, Defendant, BROWNING would be constitutionally banned from enforcing the provisions of HB 1355 on the Miami Dade Supervisor of Elections.

17. Because the Governor had yet to sign HB 1355 on May 16, Defendants SOLA, HUDAK and the BCC violated § 101.657, F.S., by cancelling early voting for Sunday, May 22, 2011 after the dates of early voting had been advertised and early voting had commenced.

18. As the legislative and governing body of Miami-Dade County and as the representatives of its citizens and in order to protect their rights and opportunity to vote, the BCC had a duty to recognize the inapplicability of HB 1355 or seek declaratory relief from the State of Florida, as HB 1355, even if now signed, cannot deny the right of the

Miami-Dade County citizens to continue with a lawful and properly noticed election already under way.

19. Defendants SOLA, HUDAK and the BCC are joined in this action as a necessary and indispensable party for the purposes of relief sought. In the absence of a judicial declaration and order directing the Defendants to reinstate early voting for Sunday, May 22, 2011, the Plaintiff and other electors of Miami Dade County will be denied their right to a fair and uniform election in same the manner that was set forth by the original resolution calling for the special election and will be irreparably injured.

20. The Defendant Florida Department of State is joined in this action as a necessary and indispensable party for the purposes of the relief sought. In the absence of a judicial declaration and order directing the Florida Department of State, not to enforce the provisions of HB 1355, should it be signed by the Governor, that relate to early voting for an election that was commenced before the enacting of any change to the law, the Plaintiff and other electors of Miami Dade County will be denied their right to a fair and uniform election in same the manner that was set forth by the original resolution calling for the special election and will be irreparably injured.

21. The Plaintiff is without an adequate remedy at law. In the absence of a declaration by this Court accompanied by supplemental injunctive relief determining that

the provisions of HB 1355 can not be retroactively enforced upon an election that has already commenced, the Plaintiff's right to a proper and effective vote as well the voter's right to a fair and uniform election in same the manner that was set forth by the original resolution calling for the special election will thereby be irreparably injured.


WHEREFORE, the Court is respectfully requested to assert and assume jurisdiction and enter judgment as follows:

1. Declaring that the Defendant's SOLA, HUDAK and the BCC preemptively and illegally violated Florida Statutes § 101.657 by cancelling early voting for Sunday, May 22, 2011 before any provisions of HB 1355 went into effect;
2. Temporarily and permanently enjoining the Defendants SOLA, HUDAK and the BCC, affirmatively requiring them to reinstate early voting for Sunday, May 22, 2011;
3. Temporarily and permanently enjoining the Defendant BROWNING, Florida Secretary of State, prohibiting him from enforcing any provisions of HB 1355, should it be signed by the Governor, as it pertains to the ongoing Special Election for Mayor of Miami Dade County, Florida.
4. Granting such other relief as would be just and equitable.

Respectfully submitted this 18th day of May, 2011.

KURKIN FOREHAND BRANDES, LLP
Counsel for Plaintiff
4300 Biscayne Boulevard, Suite 305
Miami, Florida 33137
Tele: 305.929.8500
Fax: 305.675.0564
Email: jcp@kfb-law.com

By:


Juan-Carlos Planas
Florida Bar No. 156167

VERIFICATION

STATE OF FLORIDA
COUNTY OF MIAMI-DADE

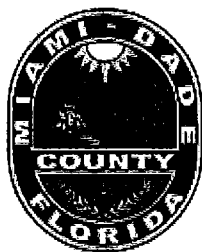
The undersigned verifies that the allegations of the foregoing complaint are true and correct to the best of his knowledge and belief.


Marcelo Llorente

SWORN TO AND SUBSCRIBED, before me, the undersigned authority on this 18th day of May, 2011.

Notary Public
My Commission Expires:

EXHIBIT “A”



DRAFT
Miami-Dade Board of County Commissioners
Minutes
SPECIAL MEETING
Monday, April 11, 2011
As Advertised
Commission Chambers

Legislative Survey

Disclaimer

Minutes Definitions

Members Present:	Barbara J. Jordan; Jean Monestime; Audrey M. Edmonson; Sally A. Heyman; Bruno A. Barreiro; Rebeca Sosa; Carlos A. Gimenez; Lynda Bell; Dennis C. Moss; Sen. Javier D. Souto; Joe A. Martinez; Jose "Pepe" Diaz
Members Absent:	District 13-Vacant
Members Late:	None
Members Excused:	None
Members Absent County Business:	None

1 MINUTES PREPARED BY:

REPORT: *Alicia Stephenson, Commission Reporter (305) 375-1475.*

1A ROLL CALL

1B MOMENT OF SILENCE

1C PLEDGE OF ALLEGIANCE

SPECIAL ITEM(S)

Special Item No. 1

110785 Resolution

Bruno A. Barreiro

RESOLUTION CALLING SPECIAL ELECTION IN MIAMI-DADE COUNTY, FLORIDA, TO BE HELD ON TUESDAY, MAY 24, 2011, FOR THE PURPOSE OF SUBMITTING TO QUALIFIED ELECTORS OF MIAMI-DADE COUNTY THE CANDIDATES TO FILL THE VACANCY CREATED BY THE RECALL OF THE MAYOR AND THE COUNTY COMMISSIONER FOR DISTRICT 13,

Amended

AND IF NECESSARY A SPECIAL RUN-OFF ELECTION TO BE HELD ON TUESDAY, JUNE 28, 2011

REPORT: *See Special Item No. 1 Amended (Legislative File No. 110829).*

Special Item No. 1 Amended

110829 Resolution Bruno A. Barreiro

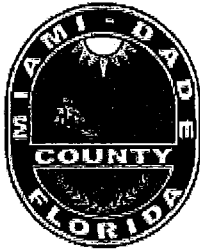
RESOLUTION CALLING SPECIAL ELECTION IN MIAMI-DADE COUNTY, FLORIDA, TO BE HELD ON TUESDAY, MAY 24, 2011, FOR THE PURPOSE OF SUBMITTING TO QUALIFIED ELECTORS OF MIAMI-DADE COUNTY THE CANDIDATES TO FILL THE VACANCY CREATED BY THE RECALL OF THE MAYOR AND THE COUNTY COMMISSIONER FOR DISTRICT 13, AND IF NECESSARY A SPECIAL RUN-OFF ELECTION TO BE HELD ON TUESDAY, JUNE 28, 2011 (SEE ORIGINAL ITEM UNDER FILE NO. 110785)

*Adopted as amended
Resolution R-272-11
Mover: Bruno A. Barreiro
Seconder: Rebeca Sosa
Vote: 12 - 0
Absent: District 13-Vacant*

REPORT: *The Board by motion duly made, seconded, and carried adopted the foregoing proposed resolution as amended to revise the language contained in Section 3 on handwritten page "4" to read as follows: "Candidate qualifying for Miami-Dade County Mayor and Miami-Dade County Commissioner, District 13, shall commence at noon on April 11, 2011, and end at 5:00 p.m. on April 12, 2011."*

2 ADJOURNMENT

3 CONSENT AGENDA



Miami-Dade Legislative Item

File Number: 110829

File Number: 110829 **File Type:** Resolution **Status:** Adopted as amended
Version: 0 **Reference:** R-272-11 **Control:** Board of County Commissioners
File Name: SPECIAL ELECTION FILL VACANCY RECALL OF MAYOR & DIST 13 COMM **Introduced:** 4/11/2011

Requester: NONE **Cost:** **Final Action:** 4/11/2011

Agenda Date: **Agenda Item Number:**

Notes: THIS IS FINAL VERSION AS ADOPTED. ALSO SEE 110785. SPECIAL ITEM NO. 1. **Title:** RESOLUTION CALLING SPECIAL ELECTION IN MIAMI-DADE COUNTY, FLORIDA, TO BE HELD ON TUESDAY, MAY 24, 2011, FOR THE PURPOSE OF SUBMITTING TO QUALIFIED ELECTORS OF MIAMI-DADE COUNTY THE CANDIDATES TO FILL THE VACANCY CREATED BY THE RECALL OF THE MAYOR AND THE COUNTY COMMISSIONER FOR DISTRICT 13, AND IF NECESSARY A SPECIAL RUN-OFF ELECTION TO BE HELD ON TUESDAY, JUNE 28, 2011 (SEE ORIGINAL ITEM UNDER FILE NO. 110785)

Indexes: NONE **Sponsors:** Bruno A. Barreiro, Prime Sponsor

Sunset Provision: No **Effective Date:** **Expiration Date:**

Registered Lobbyist: None Listed

Legislative History

Acting Body	Date	Agenda Item	Action	Sent To	Due Date	Returned	Pass/Fail
Board of County Commissioners	4/11/2011	Special Item No. 1	Adopted as amended				P
REPORT: The Board by motion duly made, seconded, and carried adopted the foregoing proposed resolution as amended to revise the language contained in Section 3 on handwritten page "4" to read as follows: "Candidate qualifying for Miami-Dade County Mayor and Miami-Dade County Commissioner, District 13, shall commence at noon on April 11, 2011, and end at 5:00 p.m. on April 12, 2011."							
County Attorney	4/11/2011		Assigned	Oren			

Rosenthal

Legislative Text

TITLE

RESOLUTION CALLING SPECIAL ELECTION IN MIAMI-DADE COUNTY, FLORIDA, TO BE HELD ON TUESDAY, MAY 24, 2011, FOR THE PURPOSE OF SUBMITTING TO QUALIFIED ELECTORS OF MIAMI-DADE COUNTY THE CANDIDATES TO FILL THE VACANCY CREATED BY THE RECALL OF THE MAYOR AND THE COUNTY COMMISSIONER FOR DISTRICT 13, AND IF NECESSARY A SPECIAL RUN-OFF ELECTION TO BE HELD ON TUESDAY, JUNE 28, 2011

BODY

WHEREAS, on March 18, 2011, the Miami-Dade County Canvassing Board issued a Certificate of County Canvassing Board certifying the results of the March 15, 2011 election on the recall of the Mayor and the County Commissioner for District 13 called by R-01-11 and R-02-11; and

WHEREAS, as a result of this certification, the Mayor and the County Commissioner for District 13 have been removed from office effective as of the Certification and the offices of Mayor and County Commissioner for District 13 are now vacant; and

WHEREAS, Section 1.07 of the Home Rule Charter, requires that vacancies in these offices "shall be filled by majority vote of the remaining members of the Board within 30 days, or the Board shall call an election to be held not more than 45 days thereafter to fill the vacancy;" and

WHEREAS, the Board desires to fill these vacancies by special election held on Tuesday, May 24, 2011 and, if necessary, by a run-off election held on Tuesday, June 28, 2011,

NOW, THEREFOR, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that:

Section 1. In accordance with the provisions of the Miami-Dade County Home Rule Charter and the Code of Miami-Dade County, a special election is hereby called and shall be held in Miami-Dade County, Florida on Tuesday, May 24, 2011, for the purposes of submitting to the qualified electors of Miami-Dade County the candidates to fill the vacancy created by the recall of the Mayor and submitting to the qualified electors of County Commission District 13 the candidates to fill the vacancy created by the recall of the County Commissioner for District 13. If necessary, a special run-off election will be held on Tuesday, June 28, 2011.

Section 2. Notice of such election shall be published in accordance with Section 100.342, Florida Statutes.

Section 3. Candidate qualifying for Miami-Dade County Mayor and Miami-Dade County Commissioner, District 13, shall commence at noon on April 11, 2011, and end at 5:00 p.m. on April 12, 2011.

Section 4. The result of such election shall be determined by the qualified electors residing within Miami-Dade County for the Mayoral vacancy, and within County Commission District 13 for the Commission District 13 vacancy voting on the respective candidates. The polls at such election shall be open from 7:00 a.m. until 7:00 p.m. on the day of such election.

Section 5. All qualified electors of Miami-Dade County, Florida shall be entitled to vote at for the Mayoral vacancy election. All qualified electors of Miami-Dade County Commission District 13 shall be entitled to vote for the Commission District 13 vacancy election. The County registration books shall remain open at the Office of the Miami-Dade County Supervisor of Elections until twenty-nine (29) days prior to the date of such election, at which time the registration books will close in accordance with the provisions of general election laws.

Section 6. The form of the ballot for these elections shall be in accordance with the requirements of

general election laws.

Section 7. Early voting for these elections shall be conducted in accordance with the requirements of general election laws. A total of twenty (20) early voting sites will be used during this election.

Section 8. Absentee paper ballots for these elections may be used by qualified electors of Miami-Dade County for voting on this question. The form of such absentee ballot shall be in accordance with the requirements prescribed by general election laws.

Section 9. A sample ballot showing the manner in which the question or proposal aforesaid will appear at this election shall be published and provided in accordance with the applicable provisions of general election laws.

Section 10. These special elections shall be held and conducted in accordance with applicable provisions of the general laws relating to elections and the provisions of the Miami-Dade County Home Rule Charter. The County Mayor or his or her designee, the Finance Director, and the Clerk of the County Commission are hereby authorized and directed to take all appropriate actions necessary to carry into effect and accomplish the provisions of this resolution. This election shall be a nonpartisan election. Election officials in connection with this election shall be appointed in accordance with the provisions of general election laws.

Section 11. This election shall be canvassed by the County Canvassing Board, in accordance with the provisions of Section 3.07 of the Home Rule Charter.

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EXHIBIT “B”

Miami-Dade County Elections Department
Departamento de Elecciones del Condado de Miami-Dade
Depatman Eleksyon Konte Miami-Dade

Official Sample Ballot Boleta Oficial de Muestra Echantiyon Bilten Vòt Ofisyèl

**ELECTION
READY**

MIAMI-DADE
COUNTY

MIAMI-DADE COUNTY SPECIAL ELECTION — MAY 24, 2011
ELECCIONES ESPECIALES DEL CONDADO DE MIAMI-DADE — 24 DE MAYO DEL 2011
ELEKSYON ESPESYAL KONTE MIAMI-DADE — 24 ME 2011

Dated Material
Delivery Requested by May 5, 2011



MIAMI-DADE
COUNTY
Elections
PO Box 521550
Miami Florida 33152

MIAMI-DADE
COUNTY
Elections
PO Box 521550
Miami Florida 33152

Mark Your Ballot Correctly

Miami-Dade County is using optical scan voting equipment. Citizens will bubble in their choices on paper ballots and feed them into an optical scanner to be counted.

Marque su Boleta Correctamente

El Condado de Miami-Dade está usando equipos con escáner óptico. Los ciudadanos rellenarán los óvalos para sus selecciones en boletas de papel y las insertarán en el escáner óptico para que las cuente.

Make Bilten Vòt w an Kòrèkteman

Konte Miami-Dade sèvi ak aparèy vote eskanè optik. Sitwayen yo va make chwà yo sou yon bilten an papye epi rantrè papye a nan yon eskanè optik pou vòt yo konte.

DO mark your ballot this way:
MARQUE su boleta de este modo:
WI make bilten vòt w an konsa:



DO NOT mark your ballot in the following ways:
NO marque su boleta de las maneras siguientes:
NON PA make bilten vòt w an konsa:



OFFICIAL SAMPLE BALLOT • MIAMI-DADE COUNTY SPECIAL ELECTION
BOLETA OFICIAL DE MUESTRA • ELECCIONES ESPECIALES DEL CONDADO DE MIAMI-DADE
ECHANTIYON BILTEN VÒT OFISYÈL • ELEKSYON ESPESYAL KONTE MIAMI-DADE

REGISTERED REPUBLICANS ONLY
 INSCRITOS COMO REPUBLICANOS SOLAMENTE
 MOUN KI ENSKRI KÒM REPUBLIKEN SÈLMAN

ALL REGISTERED VOTERS • PARA TODOS LOS ELECTORES INSCRITOS • TOUT VOTÈ ENSKRI

**STATE
ESTADO
ETA**

**LEGISLATIVE
LEGISLATIVO
LEJISLATIF**

**STATE REPRESENTATIVE
DISTRICT 110
REPRESENTANTE ESTATAL
DISTRITO 110
REPREZANTAN ETA
DISTRIT 110**

(Vote for One)
(Vote por uno)
(Vote pou youn)

<input type="radio"/> Frank Lago	10
<input type="radio"/> Jose Oliva	11
<input type="radio"/> Rafael "Ralph" Perez	12

**COUNTY
CONDADO
KONTE**

**MAYOR
ALCALDE
MAJISTRA**

(Vote for One)
(Vote por uno)
(Vote pou youn)

<input type="radio"/> Wilbur "Short Stop" Bell	15
<input type="radio"/> Roosevelt Bradley	16
<input type="radio"/> Luther "Luke" Campbell	17
<input type="radio"/> Jose "Pepe" Cancio	18
<input type="radio"/> Carlos Gimenez	19
<input type="radio"/> Farid Khavari	20
<input type="radio"/> Jeffrey Lampert	21
<input type="radio"/> Eddie Lewis	22
<input type="radio"/> Marcelo Llorente	23
<input type="radio"/> Gabrielle Redfern	24
<input type="radio"/> Julio Robaina	25

**BOARD OF COUNTY COMMISSIONERS
DISTRICT 7
JUNTA DE COMISIONADOS DEL CONDADO
DISTRITO 7
ASANBLE KOMISYONÈ KONTE YO
DISTRIT 7**

(Vote for One)
(Vote por uno)
(Vote pou youn)

<input type="radio"/> Julio Robaina	30
<input type="radio"/> Xavier L. Suarez	31

**BOARD OF COUNTY COMMISSIONERS
DISTRICT 13
JUNTA DE COMISIONADOS DEL CONDADO
DISTRITO 13
ASANBLE KOMISYONÈ KONTE YO
DISTRIT 13**

(Vote for One)
(Vote por uno)
(Vote pou youn)

<input type="radio"/> Carlos Amaro	40
<input type="radio"/> Esteban Bovo	41
<input type="radio"/> Tanla Castellanos	42
<input type="radio"/> Alan Rigerman	43

**COUNTY QUESTIONS
PROPUESTAS DEL CONDADO
KESTYON KONTE YO**

**Home Rule Charter Amendment
Relating to Salaries, Service,
and Term Limits of County
Commissioners**

Shall the Charter be amended to provide that County Commissioners shall:

- Devote full-time service to the Office of County Commissioner and hold no other employment;
- No longer receive the \$6,000 annual salary established in 1957, but receive instead the salary provided by state statutory formula, adjusted annually by the County's population (currently approximately \$92,097); and
- Serve no more than three consecutive four-year terms in office excluding all terms prior to 2012?

**Enmienda a la Carta Constitucional
Autonómica relacionada con los
salarios, el servicio y los plazos en
el cargo de los Comisionados
del Condado**

¿Debe enmendarse la Carta Constitucional para que disponga que los Comisionados del Condado deban:

- Dedicar sus servicios a tiempo completo en el cargo de Comisionado del Condado y no desempeñar otro empleo;
- No continuar recibiendo el salario anual de \$6,000 establecido en 1957, sino recibir en su lugar el salario dispuesto por la fórmula estatal establecida en los estatutos, que se ajustaría anualmente según la población del Condado (aproximadamente \$92,097 en la actualidad); y
- No prestar más de tres plazos consecutivos de servicio en el cargo, excluyendo todos los plazos previos al 2012?

**Amannman Konstitisyon Otonòm
Konsènan Salè, Sèvis, ak Dire
Manda Komisyonè Konte**

Èske se pou yo amande Konstitisyon an pou etabli ke Komisyonè yo nan Konte a fèt pou:

- Konsakre yo a sèvis plenman nan pòs Komisyonè Konte an epi pa genyen okenn lòt anplwa;
- Pa resevwa salè anyèl \$6,000 ki te etabli an 1957 la ankò, men resevwa depreferans salè ki etabli pa fòmil legal eta a, ajiste chak ane dapre popilasyon Konte a (aktiyèlman anvilwon \$92,097); epi
- Pa sèvi pliske twa manda katan konsekitif nan pòs eksepte tout manda anvan 2012 yo?

<input type="radio"/> YES/S/VI	50
<input type="radio"/> NO/NO/NON	51

**Home Rule Charter Amendment
Prohibiting Lobbying by Elected
County Charter Officer After
Leaving Office**

Shall the Charter be amended to provide that elected County Charter Officers shall be prohibited from lobbying the County for compensation for a period of two (2) years after leaving office?

**Enmienda a la Carta Constitucional
Autonómica que prohíba a
los funcionarios del Condado
elegidos según dispone la Carta
Constitucional, realizar cabildeo
después de abandonar el cargo**

¿Debe enmendarse la Carta Constitucional para que prohíba a los funcionarios elegidos según lo dispuesto en la Carta Constitucional, cabildear ante el Condado a cambio de compensación, por un período de dos (2) años después de abandonar el cargo?

**Amannman Konstitisyon Otonòm
pou Entèdi Ofisye Konstitisyonèl
Eli Konte yo Fè Lòbi Apre yo
Kite Pòs yo**

Èske se pou yo amande Konstitisyon an pou etabli ke Ofisye Konstitisyonèl eli Konte yo pa gen dwa fè lòbi nan Konte an pou konpansasyon pou yon peryòd de (2) ane apre yo kite pòs yo?

<input type="radio"/> YES/S/VI	52
<input type="radio"/> NO/NO/NON	53

OFFICIAL SAMPLE BALLOT • MIAMI-DADE COUNTY SPECIAL ELECTION
BOLETA OFICIAL DE MUESTRA • ELECCIONES ESPECIALES DEL CONDADO DE MIAMI-DADE
ECHANTIYON BILTEN VÒT OFISYÈL • ELEKSYON ESPESYAL KONTE MIAMI-DADE

ALL REGISTERED VOTERS • PARA TODOS LOS ELECTORES INSCRITOS • TOUT VOTÈ ENSKRI

**Home Rule Charter Amendment
Relating to Creation, Appointment
and Power of Charter Review
Task Force**

Shall the Charter be amended to provide for creation of a Charter Review Task Force who shall meet on presidential election years to propose Charter revisions; to prohibit elected County Charter Officer from serving as member of the task force; and to submit those revisions approved by two-thirds majority of the task force directly to the electorate on the same ballot as the presidential elections?

**Enmienda a la Carta Constitucional
Autonómica relacionada con la
creación, el nombramiento y los
poderes del Grupo Especial de
Trabajo para la Revisión de la
Carta Constitucional**

¿Debe enmendarse la Carta Constitucional para que disponga la creación de un Grupo Especial de Trabajo para la Revisión de la Carta Constitucional, que se reúna en los mismos años de elección presidencial para proponer revisiones a la Carta Constitucional; que prohíba a los funcionarios elegidos según dispone la Carta Constitucional prestar servicios como miembros de dicho grupo especial; y que presente las revisiones que hayan sido aprobadas por una mayoría de dos tercios de los miembros del grupo especial, directamente al electorado en la misma boleta de las elecciones presidenciales?

**Amanman Konstitisyon Otonòm
Konsènan Kreyasyon, Nominasyon
ak Pouvwa Komite Revizyon
Konstitisyonèl**

Èske se pou yo amande Konstitisyon an pou mete an plas kreyasyon yon Komite Revizyon Konstitisyonèl ki va reyini nan ane eleksyon prezidansyèl yo pou pwopoze revizyon nan Konstitisyon an; entèdi Ofisye Konstitisyonèl eli yo sèvi kòm manm nan komite sila; epi soumèt revizyon sila yo ki te apwouve pa detè majorite komite a dirèkteman bay elektora a sou menm biltèn vòt eleksyon prezidansyèl yo?

☐ YES/SI/WI 54
☐ NO/NO/NON 55

**Home Rule Charter Amendment
Establishing Independent
Inspector General**

Shall the Charter be amended to create the Office of Inspector General who shall be independent and shall, at a minimum, be empowered to perform investigations, audits, reviews and oversight of County contracts, programs, projects, abuse, waste and mismanagement as well as County funded contracts, programs and projects and provide Inspector General services to other governmental entities with such office's appointment, term, powers, duties and responsibilities to be further established by ordinance?

**Enmienda a la Carta Constitucional
Autonómica que disponga la
creación de un Inspector
General independiente**

¿Debe enmendarse la Carta Constitucional para crear la Oficina del Inspector General, que sería independiente y que tendría, como mínimo, los poderes necesarios para llevar a cabo investigaciones, auditorías, revisiones y supervisión de contratos del Condado, programas, proyectos, abusos, malgasto y mala administración, así como de contratos, programas y proyectos financiados por el Condado; y que brindaría servicios de Inspector General a otras entidades gubernamentales, de manera que el nombramiento para dicho cargo así como el plazo en el cargo, los poderes, las obligaciones y las responsabilidades quedarían dispuestas en mayor detalle mediante ordenanzas?

**Amanman Konstitisyon Otonòm
pou Etabli Enspektè Jeneral
Endepandan**

Èske se pou yo amande Konstitisyon an pou kreye Biwo Enspektè Jeneral la ki va endepandan epi ki va, omniann, gen pouvwa pou fè envestigasyon, evalyasyon, revizyon ak sipèvizyon kontra Konte, pwogram pwojè, abi, gaspiyaj, ak movèz jesyon ensike kontra, pwogram ak pwojè ke Konte a finanse, epi pou bay sèvis Enspektè Jeneral a dè lòt antite gouvènmantal avèk nominasyon, manda, pouvwa, devwa ak responsabiltè biwo sila ki va etabli an plis detay pa òdonans?

☐ YES/SI/WI 56
☐ NO/NO/NON 57

**Charter Amendment
Pertaining to Powers of County
Commission, County Mayor and
County Manager**

Shall the Charter be amended to undo the "Strong Mayor" form of government approved by the voters in 2007 by returning the powers and responsibilities of administering County government from a "Strong Mayor" to an appointed County Manager who may be removed by the Commission or the Mayor with Commission approval?

**Enmienda a la Carta Constitucional
relacionada con los poderes de la
Comisión del Condado, el Alcalde
del Condado y el Administrador del
Condado**

¿Debe enmendarse la Carta Constitucional para dejar sin efecto la forma de gobierno de "Alcalde Poderoso" que fuera aprobada por los electores en el año 2007 y entregar de nuevo los poderes y responsabilidades de la administración del gobierno del Condado del "Alcalde Poderoso", a un Administrador del Condado que podría ser retirado de su cargo por la Comisión o por el Alcalde con la aprobación de la Comisión?

**Amanman Konstitisyonèl
Konsènan Pouvwa Komisyon
Konte a, Majistra Konte ak
Manadjè Konte**

Èske se pou yo amande Konstitisyon an pou defèt fòm gouvènman "Majistra Pwisan" ki te apwouve pa votè yo an 2007 la pou retounen pouvwa ak responsabiltè administrasyon gouvènman Konte "Majistra Pwisan" an, a yon Manadjè Konte chwazi pa nominasyon ke Komisyon an oswa Majistra a avèk apwobasyon Komisyon an kapab retire nan pòs li?

☐ YES/SI/WI 58
☐ NO/NO/NON 59

**Home Rule Charter Amendment
Regarding Petitions**

Shall the Charter be amended to provide that petitions for charter amendment, initiative, referendum and recall shall no longer require a sworn affidavit of a circulator and shall instead only require the name and address of a circulator?

**Enmienda a la Carta Constitucional
Autonómica relacionada con
las peticiones**

¿Debe enmendarse la Carta Constitucional para que disponga que las peticiones para hacer enmiendas a la Carta Constitucional, iniciativas, referendos y destituciones no requieran como hasta ahora la declaración jurada de la persona que circula la petición sino que requieran solamente el nombre y la dirección de la persona que circula la petición?

**Amanman Konstitisyon Otonòm
Konsènan Petisyon**

Èske se pou yo amande Konstitisyon an pou etabli ke petisyon pou amanman konstitisyonèl, inisyativ, referandòm ak rapèl yo ap sispann egzije yon deklarasyon sou sèman de moun kap sikile petisyon an epi depreferans va egzije sèman non ak adrès moun kap sikile petisyon an?

☐ YES/SI/WI 60
☐ NO/NO/NON 61

Municipal Ballot Information

Voters residing in Sunny Isles Beach may vote on the municipal ballot. Please contact your municipal clerk to get a municipal sample ballot.

Información sobre boletas municipales

Los electores que residen en Sunny Isles Beach pueden votar en la boleta municipal. Por favor, comuníquese con su secretario municipal para obtener una boleta de muestra de su municipalidad.

Enfòmasyon Biltèn Vòt Minisipal

Votè ki abite nan Sunny Isles Beach mèt vote sou biltèn vòt minisipalite a. Tanpri kontakte grefye minisipal w an pou w jwenn yon echantiyon biltèn vòt minisipal.

There Are Three Ways to Vote

- 1. Vote Absentee** - There is no need to go to a polling place to cast your vote.

NEW

Now you also have the option to submit your absentee ballot request or renewal electronically by completing an **Online Form** at www.miamidade.gov/elections/absentee.

- ★ Deadline to request an Absentee Ballot by mail for the May 24, 2011 Miami-Dade County Special Election is Wednesday, May 18, 2011, no later than 5 p.m.
- ★ Deadline to submit an Absentee Ballot is 7 p.m. on Election Day, May 24, 2011.
- ★ A voter who received an Absentee Ballot by mail may return their ballot to the Miami-Dade Elections Department at 2700 NW 87th Avenue, Miami, FL 33172, no later than 7 p.m. on Election Day.

- 2. Vote Early** - Pick the day and location most convenient for you.

From May 9 through May 22, voters can cast their vote at any one of the 20 Early Voting locations listed below during the designated times.

Monday lunes, jendi	Tuesday martes, madi	Wednesday miércoles, mekredi	Thursday jueves, jedi	Friday viernes, vandredi	Saturday sábado, samdi	Sunday domingo, dinianchi
May 9 9 de mayo 9 me 7:00 am-3:00 pm	May 10 10 de mayo 10 me 7:00 am-3:00 pm	May 11 11 de mayo 11 me 7:00 am-3:00 pm	May 12 12 de mayo 12 me 7:00 am-3:00 pm	May 13 13 de mayo 13 me 7:00 am-3:00 pm	May 14 14 de mayo 14 me 9:00 am-1:00 pm	May 15 15 de mayo 15 me 1:00 pm-5:00 pm
May 16 16 de mayo 16 me 11:00 am-7:00 pm	May 17 17 de mayo 17 me 11:00 am-7:00 pm	May 18 18 de mayo 18 me 11:00 am-7:00 pm	May 19 19 de mayo 19 me 11:00 am-7:00 pm	May 20 20 de mayo 20 me 11:00 am-7:00 pm	May 21 21 de mayo 21 me 9:00 am-1:00 pm	May 22 22 de mayo 22 me 1:00 pm-5:00 pm

Aventura Government Center
19200 W Country Club Drive
(2nd Floor Commission Area)

City of Miami - City Hall
3500 Pan American Drive
(Entrance is located at the northeast side of the building - ADA entrance is through the front door of City Hall)

Coral Gables Library
3443 Segovia Street

Coral Reef Library
9211 SW 152nd Street

Elections Department
2700 NW 87th Avenue

Florida City - City Hall
404 West Palm Drive
(Commission Chambers)

John F. Kennedy Library
190 W 49th Street

Kendall Branch Library
9101 SW 97th Avenue

Lemon City Library
430 NE 61st Street (Reading Room)

Miami Beach City Hall
1700 Convention Center Drive

Miami Lakes Public Library
6699 Windmill Gate Road

Model City Library (Caleb Center)
2211 NW 54th Street

North Dade Regional Library
2455 NW 183rd Street

North Miami Public Library
835 NE 132nd Street

North Shore Branch Library
7501 Collins Avenue
(Program Room)

South Dade Regional Library
10750 SW 211th Street

Stephen P. Clark
Government Center
Elections Branch Office
111 NW 1st Street (Lobby)

West Dade Regional Library
9445 SW 24th Street

West Flagler Branch Library
5050 West Flagler Street

West Kendall Regional Library
10201 Hammocks Boulevard

- 3. Vote on Election Day** - At your assigned voting location.

On Election Day, you must vote at your assigned voting location. Please refer to your Voter Information Card for your precinct number and address. You can also visit our website at www.miamidade.gov/elections or call 305-499-VOTE (8683).

Be Sure to Bring Proper ID

Examples of approved forms of photo ID are:

- ★ Florida Driver's License
- ★ Military Identification
- ★ United States Passport
- ★ Retirement Center Identification
- ★ Public Assistance Identification
- ★ Student Identification
- ★ Debit/Credit Cards
- ★ Neighborhood Association Identification
- ★ Florida Identification Card issued by the Department of Highway Safety and Motor Vehicles

Hay tres maneras de votar

- 1. Votar como elector ausente** - No es necesario acudir a un local de votación para emitir su voto.

NUEVO

Ahora también tiene la opción electrónica de presentar su solicitud o renovación de boleta para elector ausente sólo con completar el **formulario correspondiente que aparece en línea en** www.miamidade.gov/elections/absentee.

- ★ El último día para solicitar la boleta de elector ausente por correo para las Elecciones Especiales del Condado de Miami-Dade del 24 de mayo del 2011 es el miércoles 18 de mayo del 2011, antes de las 5 p.m.
- ★ El último día para entregar la boleta para elector ausente es el propio día de las elecciones, el 24 de mayo del 2011, antes de las 7 p.m.
- ★ Los electores que han recibido su boleta para elector ausente por correo pueden entregar su boleta en el Departamento de Elecciones de Miami-Dade situado en 2700 NW 87th Avenue, Miami, FL 33172, hasta las 7 p.m. del día de las elecciones.

- 2. Votar anticipadamente** - Escoja el día y el sitio más convenientes para usted.

Del 9 de mayo al 22 de mayo, los electores pueden emitir su voto en cualquiera de los 20 locales de votación anticipada que aparecen a continuación, en los horarios designados.

Genyen Twa Fason pou Vote

- 1. Vote Pa Korespondans** - W pa bezwen ale nan biwo vòt ki deziyen pou lakay w an pou vote.

NOUVO

Kounyeya, w gen chwa tou pou w soumèt demann bilten vòt pa korespondans w oswa renouvèlman w elektwonikman. Jis ranpli fòm lan an liy sou www.miamidade.gov/elections/absentee.

- ★ Dat limit pou mande yon Bilten Vòt pa Korespondans pa lapòs pou Eleksyon Espesyal Konte Miami-Dade 24 me 2011 a se mèkredi 18 me 2011 pa pita ke 5 p.m.
- ★ Dat limit pou soumèt yon Bilten Vòt Pa Korespondans se 7 p.m. Jou Eleksyon an, 24 me 2011.
- ★ Yon vòtè ki resewva yon Bilten Vòt pa Korespondans pa lapòs gen dwa pote bilten vòt li an remèt nan Depatman Eleksyon Miami-Dade la nan 2700 NW 87th Avenue, Miami, FL 33172, pa pita ke 7 p.m. Jou Eleksyon an.

- 2. Vote Pi Bonè** - Chwazi jou ak lokal ki pi bon pou w.

Apat 9 me rive 22 me, vòtè yo ka ale vote nan nenpòt nan 20 lokal Vote Pi Bonè yo ki sou lis pi ba la a dapre orè ki etabli pou yo.

- 3. Votar el día de las elecciones** - En el local de votación que se le ha designado.

El día de las elecciones usted debe votar en el local de votación que se le ha designado. Por favor consulte su tarjeta de información del elector en la que aparece el número del recinto electoral y la dirección. También puede visitar nuestro sitio web en www.miamidade.gov/elections o llamar al 305-499-VOTE (8683).

- 3. Vote Jou Eleksyon** - Nan biwo vòt ki deziyen pou adrès w an.

Nan Jou Eleksyon an, se pou w vote nan biwo vòt ki deziyen pou adrès lakay w an. Tanpri tcheke Kat Enfòmasyon Votè w la pou jwenn nimewo biwo vòt w an ak adrès li. W kapab ale sou sit web nou an tou nan www.miamidade.gov/elections oswa rele 305-499-VOTE (8683).

Pote Bon Jan Pyès Idantifikasyon

Egzanp kat didantite ak foto asepat:

- ★ Lisans Kondwi Florid
- ★ Kat Didantite Militè
- ★ Paspò Ameriken
- ★ Kat Didantite Sant Grandèt
- ★ Kat Didantite Asistans Piblik
- ★ Kat Didantite Etidyan
- ★ Kat Bank/Kat Kredi
- ★ Kat Didantite Asosyasyon Katye
- ★ Kat Didantite Eta Florid emèt pa Depatman Siklasyon

For more information, go to www.miamidade.gov/elections or call 305-499-VOTE (8683)

Para más información, puede acudir en línea a www.miamidade.gov/elections o llamar al 305-499-VOTE (8683)

Pour plus d'information, visitez www.miamidade.gov/elections ou appelez 305-499-VOTE (8683)

EXHIBIT “C”

Memorandum



Date: May 16, 2011

To: Honorable Joe A. Martinez, Chairman
and Member of the Board of County Commissioners

From: Alina T. Hudak *ATH*
County Manager

Subject: Impact of House Bill 1355 on the May 24, 2011 Miami-Dade County Special Election

A bill passed during the recent legislative session that will, upon becoming law, require that the Elections Department cancel the last day of Early Voting for the May 24, 2011 Miami-Dade County Special Election. The legislature passed House Bill (HB) 1355, amending numerous provisions within the Election Laws of the State of Florida. We have been advised that this bill was transmitted to the Governor on May 6, 2011. The Governor has 15 days to sign a bill into law, allow the bill to become law without his signature, or veto the bill. We anticipate the Governor will sign this bill. As such, the vast majority of HB 1355 will become law on or before May 21, 2011.

While this bill effectuates many changes to current election laws, which the Department will address at the appropriate time, there is an immediate impact on the May 24, 2011 Miami-Dade County Special Election as it relates to Early Voting, which as you know is already underway. Once the Governor signs HB 1355, Florida Statute 101.657(d) will be amended as follows:

Early voting shall begin on the 45th 10th day before an election that contains state or federal races and end on the 2nd 3rd day before an the election, and ... ~~early voting shall be provided for no less than 6 8 hours and no more than 12 hours per day weekday and 8 hours in the aggregate each weekend at each site during the applicable period, periods.~~

This particular provision is one that goes into effect upon becoming law since this election contains a race for State Representative, District 110. We do not know precisely when the bill will be signed, but we wanted to bring our action plan to your attention. Regardless of when this bill becomes law, we are in compliance with our current hours of operation for weekdays as they are currently set at eight hours per day. The days and hours that require amending will be the last weekend. The Elections Department will be extending Early Voting on the last Saturday, May 21st from 4 to 8 hours. It will be available from 9am-5pm, as opposed to the current schedule of 9am-1pm. We believe that providing the additional time will help mitigate the impact of this abrupt change on voters.

We are required to eliminate the availability of Early Voting on the last Sunday, May 22nd. However, rest assured that the Elections Department has developed a sound plan to minimize any disruption or inconvenience to Miami-Dade voters:

- The revised Early Voting Schedule will be advertised in newspapers of general circulation;
- The news media will be advised to assist in the dissemination of this information;
- All candidates and/or treasurers will receive proper notification;
- A notice will be placed on the Elections Department website; and
- Signs will be placed at all 20 Early Voting sites notifying voters of this change. They will be instructed to go to their assigned polling place on Election Day and/or call the Elections Department for additional information.

Should you have any questions or require additional information regarding this matter, please contact me directly, at 305-375-1880, or Supervisor of Elections Lester Sola, at 305-499-8509.

c: Robert A. Cuevas, Jr., County Attorney
Christopher Mazzella, Inspector General
Lester Sola, Supervisor of Elections