

## MEMORANDUM

Agenda Item No. 11(A)(8)

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**TO:** Honorable Chairman Bruno A. Barreiro  
and Members, Board of County Commissioners

**DATE:** March 4, 2008

**FROM:** R. A. Cuevas, Jr.  
County Attorney

**SUBJECT:** Resolution urging  
the Florida Legislature  
to pass legislation  
allowing voters with  
no party affiliation to  
vote in any party  
primary

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The accompanying resolution was prepared and placed on the agenda at the request of Commissioner Carlos A. Gimenez and Commissioner Rebeca Sosa.

  
\_\_\_\_\_  
R. A. Cuevas, Jr.  
County Attorney

RAC/cp



**MEMORANDUM**  
(Revised)

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Please note any items checked.

- "4-Day Rule" ("3-Day Rule" for committees) applicable if raised
- 6 weeks required between first reading and public hearing
- 4 weeks notification to municipal officials required prior to public hearing
- Decreases revenues or increases expenditures without balancing budget
- Budget required
- Statement of fiscal impact required
- Bid waiver requiring County Manager's written recommendation
- Ordinance creating a new board requires detailed County Manager's report for public hearing
- Housekeeping item (no policy decision required)
- No committee review

Approved \_\_\_\_\_ Mayor

Agenda Item No. 11(A) (8)

Veto \_\_\_\_\_

03-04-08

Override \_\_\_\_\_

RESOLUTION NO. \_\_\_\_\_

RESOLUTION URGING THE FLORIDA LEGISLATURE TO  
PASS LEGISLATION ALLOWING VOTERS WITH NO  
PARTY AFFILIATION TO VOTE IN ANY PARTY PRIMARY

**WHEREAS**, closed primaries require voters to have a particular party’s affiliation in order to vote in that party’s primary, while open primaries allow all voters to vote in a particular party’s primary, regardless of the voter’s party affiliation or if the voter has no party affiliation; and

**WHEREAS**, some states also have semi-open primaries that allow voters with no party affiliation to vote in any party’s primary, while preventing a voter affiliated with one party from voting in another party’s primary; and

**WHEREAS**, in 1998, Florida voters passed a constitutional amendment proposed by the Constitutional Revision Commission that provides that, if all candidates for an office have the same party affiliation and the winner will have no opposition in the general election, then all qualified electors, regardless of party affiliation, may vote in the primary elections for that office; and

**WHEREAS**, other than this narrow exception, primaries are closed in Florida; and

**WHEREAS**, this narrow exception can be foreclosed relatively easily by putting a “straw man” candidate on the general election ballot; and

**WHEREAS**, the number of voters registered with no party affiliation in Florida steadily has grown in recent years; and

**WHEREAS**, in 1994, only 8 percent of Florida voters had no party affiliation, but the number of voters with no party affiliation has grown by almost 1.4 million voters since then and

unaffiliated voters now account for 19 percent of Florida voters, while voters registered as Republicans and Democrats have grown more slowly by 1.1 million and 900,000 voters respectively; and

**WHEREAS**, of the approximately 10.2 million voters currently registered in Florida, 3.8 million or 37 percent are Republicans; 4.1 million or 41 percent are Democrats; and 1.9 million or 19 percent have no party affiliation; and

**WHEREAS**, Miami-Dade County currently has 1,083,720 registered voters, of which 360,458 or 33 percent are Republicans; 459,370 or 42 percent are Democrats; and 217,498 or 20 percent have no party affiliation; and

**WHEREAS**, on February 5, 2008, 24 states will hold primaries on Super Tuesday and half of those states allow unaffiliated voters to vote in party primaries; and

**WHEREAS**, closed primaries preclude voters with no party affiliation from participating in the selection of either major party's candidate for office; and

**WHEREAS**, by allowing voters with no party affiliation to participate in any party's primary, the growing ranks of voters with no party affiliation would have a greater role in determining who each major party chooses as candidates, and candidates would be encouraged to address issues important to a wide range of Florida voters,

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA**, that this Board:

**Section 1.** Urges the Florida Legislature to pass legislation allowing voters with no party affiliation to vote in any party primary.

**Section 2.** Directs the Clerk of the Board to transmit certified copies of the resolution to the Governor, Senate President, House Speaker, and the Chair and Members of the Miami-Dade State Legislative Delegation.

**Section 3.** Directs the County's state lobbyists to advocate for the issue identified in section 1 above, and directs the Office of Intergovernmental Affairs to include this item in the 2008 state legislative package.

The foregoing resolution was sponsored by Commissioner Carlos A. Gimenez and Commissioner Rebeca Sosa and offered by Commissioner \_\_\_\_\_, who moved its adoption. The motion was seconded by Commissioner \_\_\_\_\_ and upon being put to a vote, the vote was as follows:

Bruno A. Barreiro, Chairman	
Barbara J. Jordan, Vice-Chairwoman	
Jose "Pepe" Diaz	Audrey M. Edmonson
Carlos A. Gimenez	Sally A. Heyman
Joe A. Martinez	Dennis C. Moss
Dorin D. Rolle	Natacha Seijas
Katy Sorenson	Rebeca Sosa
Sen. Javier D. Souto	

The Chairperson thereupon declared the resolution duly passed and adopted this 4<sup>th</sup> day of March 2008. This resolution shall become effective ten (10) days after the date of its adoption unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

MIAMI-DADE COUNTY, FLORIDA

BY ITS BOARD OF  
COUNTY COMMISSIONERS

HARVEY RUVIN, CLERK

By: \_\_\_\_\_  
Deputy Clerk

Approved by County Attorney as  
to form and legal sufficiency.



Jess M. McCarty