MEMORANDUM Agenda Item No. 11(A)(11)

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

DATE: December 16, 2008

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

SUBJECT: Resolution urging the Florida Legislature to pass legislation providing County Supervisors of Elections the authority to set their own guidelines for voting by the elderly and persons with disabilities to improve the voting experience for these individuals

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The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Rebeca Sosa.

R. A. Cuevas, Jr.
County Attorney

RAC/cp

MEMORANDUM

(Revised)

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

DATE: December 16, 2008

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

SUBJECT: Agenda Item No. 11(A)(11)

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
Veto _____
Override _____

Agenda Item No. 11(A)(11)
12-16-08

RESOLUTION NO. _____

RESOLUTION URGING THE FLORIDA LEGISLATURE TO PASS LEGISLATION PROVIDING COUNTY SUPERVISORS OF ELECTIONS THE AUTHORITY TO SET THEIR OWN GUIDELINES FOR VOTING BY THE ELDERLY AND PERSONS WITH DISABILITIES TO IMPROVE THE VOTING EXPERIENCE FOR THESE INDIVIDUALS

WHEREAS, during the 2005 regular session, the Florida Legislature passed legislation that, among other things, limited the hours for early voting, H.B. 1567, Chapter 2005-277, Laws of Florida; and

WHEREAS, H.B. 1567 changed the hours for early voting from at least eight (8) hours each weekday to a total of eight (8) hours each weekday; and

WHEREAS, this limitation on hours combined with high early voter turnout during the 2008 general election, led to long lines as voters waited in some cases several hours before voting; and

WHEREAS, long waits presented challenges especially for elderly voters and voters with disabilities; and

WHEREAS, curbside voting that occurred in prior elections was helpful to the elderly and persons with disabilities, but during the 2007 legislative session, the Florida Legislature passed legislation that effectively prohibited curbside voting, H.B. 537, Chapter 2007-30, Laws of Florida; and

WHEREAS, during the 2008 general election, poll workers in Miami-Dade County provided chairs for the elderly and persons with disabilities, and distributed water and fans to all voters, and these efforts were helpful; and

WHEREAS, County Supervisors of Elections should be provided flexibility under state law to set their own guidelines for voting by the elderly and persons with disabilities, in order to improve the voting experience for these individuals; and

WHEREAS, such locally-set guidelines might allow, for example, elderly voters and voters with disabilities to go to the front of the line to vote while still providing such voters a choice of voting equipment,

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 County Supervisors of Elections the flexibility to set their own guidelines for voting by the elderly and by persons with disabilities to improve the voting experience for such individuals.

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

Section 3. Directs the County's state lobbyists to advocate for the passage of the legislation set forth in Section 1 above, and directs the Office of Intergovernmental Affairs to include this item in the 2009 State Legislative Package.

The Prime Sponsor of the foregoing resolution is Commissioner Rebeca Sosa. It was 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
Carlos A. Gimenez
Joe A. Martinez
Dorrin D. Rolle
Katy Sorenson
Sen. Javier D. Souto
Audrey M. Edmonson
Sally A. Heyman
Dennis C. Moss
Natacha Seijas
Rebeca Sosa

The Chairman thereupon declared the resolution duly passed and adopted this 16th day of December, 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. JMM

Jess M. McCarty