

**MEMORANDUM**

Agenda Item No. 11(A)(19)

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**TO:** Honorable Chairman Dennis C. Moss  
and Members, Board of County Commissioners

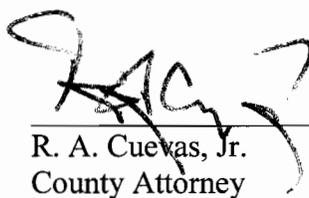
**DATE:** November 3, 2009

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

**SUBJECT:** Resolution urging the Florida  
Legislature to release HAVA  
funds to counties to pay for  
voting equipment

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

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

RAC/jls



# MEMORANDUM

(Revised)

**TO:** Honorable Chairman Dennis C. Moss  
and Members, Board of County Commissioners

**DATE:** November 3, 2009

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

**SUBJECT:** Agenda Item No. 11(A)(19)

Please note any items checked.

- "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
- Ordinance creating a new board requires detailed County Manager's report for public hearing
- No committee review
- Applicable legislation requires more than a majority vote (i.e., 2/3's \_\_\_\_, 3/5's \_\_\_\_, unanimous \_\_\_\_ ) to approve
- Current information regarding funding source, index code and available balance, and available capacity (if debt is contemplated) required

Approved \_\_\_\_\_ Mayor  
Veto \_\_\_\_\_  
Override \_\_\_\_\_

Agenda Item No. 11(A)(19)  
11-3-09

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

RESOLUTION URGING THE FLORIDA LEGISLATURE TO  
RELEASE HAVA FUNDS TO COUNTIES TO PAY FOR  
VOTING EQUIPMENT

**WHEREAS**, in 2001, the Florida Legislature mandated the elimination of punch card voting systems; and

**WHEREAS**, also in 2001, Miami-Dade County spent approximately \$25 million to purchase a touch screen voting system; and

**WHEREAS**, in 2003, the federal government allocated \$250 million to the State of Florida as part of the Help America Vote Act (HAVA), of which only \$3.5 million was disbursed to Miami-Dade County; and

**WHEREAS**, in 2007, the Florida Legislature passed legislation rendering the touch screen voting machines obsolete, except in the case of voters with disabilities, and requiring “mark sense” ballots, defined as ballots that result in a paper record; and

**WHEREAS**, also in 2007, Miami-Dade County spent approximately \$12 million to purchase optical scan and ballot on demand equipment to comply with the 2007 law; and

**WHEREAS**, the funding the Florida Legislature provided in 2007 covered less than half of the cost to convert from a touch screen voting system to a mark sense voting system, providing approximately \$5 million in funds to Miami-Dade County, but leaving an unfunded mandate of approximately \$7 million that the County was required to absorb; and

**WHEREAS**, Miami-Dade County currently has \$10 million in outstanding debt associated with the touch screen voting system purchase in 2001, and an additional \$13 million in new debt that the County incurred purchasing the mark sense voting system in 2007; and

**WHEREAS**, Section 251 of HAVA provides funds to purchase new voting systems, implement provisional voting, provide information to voters on election day and implement a statewide voter registration database, as well as other activities to improve the administration of elections; and

**WHEREAS**, the State of Florida is using tens of millions of dollars of federal Section 251 HAVA funds to fund operations and positions of the Florida Department of State, Division of Elections; and

**WHEREAS**, these Section 251 funds being held by the state could be released to counties to pay for outstanding debts for two sets of voting systems that counties have been required to purchase within a period of only eight years,

**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 release HAVA funds to counties to pay for voting equipment.

**Section 2.** Directs the Clerk of the Board to transmit a certified copy of this resolution to the Governor, Senate President, House Speaker, Chair of the Senate Committee on Ethics and Elections, Chair of the House Governmental Affairs Policy Committee and 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 authorizes and directs that the 2010 State Legislative Package be amended to include this item.

The Prime Sponsor of the foregoing resolution is Commissioner Carlos A. Gimenez. 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:

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

The Chairperson thereupon declared the resolution duly passed and adopted this 3<sup>rd</sup> day of November, 2009. 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

