

# MEMORANDUM

Agenda Item No. 11(A)(11)

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**TO:** Honorable Vice Chairwoman Audrey M. Edmonson  
and Members, Board of County Commissioners

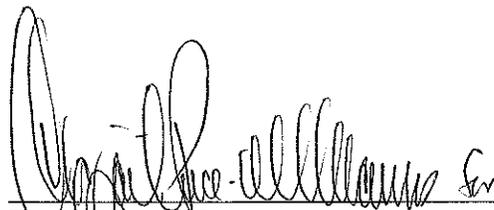
**DATE:** December 18, 2012

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

**SUBJECT:** Resolution urging the Florida Legislature to pass legislation during the 2013 session to restore early voting to the full 14 days that was in place before the passage of HB 1355 including the Sunday before election day; further urging the legislature to provide counties greater flexibility related to the sites used for early voting and the hours for early voting; identifying this issue as a critical County priority for the 2013 Session

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



R. A. Cuevas, Jr.  
County Attorney

RAC/lmp



**MEMORANDUM**  
(Revised)

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and Members, Board of County Commissioners

**DATE:** December 18, 2012

**FROM:**   
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County Attorney

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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 Mayor'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)(11)  
12-18-12

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

RESOLUTION URGING THE FLORIDA LEGISLATURE TO PASS LEGISLATION DURING THE 2013 SESSION TO RESTORE EARLY VOTING TO THE FULL 14 DAYS THAT WAS IN PLACE BEFORE THE PASSAGE OF HB 1355 INCLUDING THE SUNDAY BEFORE ELECTION DAY; FURTHER URGING THE LEGISLATURE TO PROVIDE COUNTIES GREATER FLEXIBILITY RELATED TO THE SITES USED FOR EARLY VOTING AND THE HOURS FOR EARLY VOTING; IDENTIFYING THIS ISSUE AS A CRITICAL COUNTY PRIORITY FOR THE 2013 SESSION

**WHEREAS**, in-person early voting (hereinafter early voting) is intended to make it easier for people to carry out their constitutional right to vote; and

**WHEREAS**, during the 2011 regular session, the Florida Legislature reduced the number of days for early voting when it enacted HB 1355, Chapter 2011-40, Laws of Florida (hereinafter HB 1355); and

**WHEREAS**, HB 1355 was an omnibus elections bill that made approximately 80 changes to Florida's election procedures; and

**WHEREAS**, one of the changes made in HB 1355 was to revise early voting and the days, hours and times that Florida counties could offer early voting; and

**WHEREAS**, prior to the passage of HB 1355, Florida law provided early voting for up to a 14-day period, beginning on the 15th day before an election and ending on the second before the election, and required each county to offer early voting for eight (8) hours per day on weekdays and eight (8) hours in the aggregate each weekend, yielding a total of 96 hours of early voting; and

**WHEREAS**, HB 1355 amended the days, hours and weekend times that early voting may be offered in Florida in a number of ways:

- The early voting period now begins on the 10th day before an election and ends on the 3rd day before the election, for a total of only eight (8) days instead of 14 days, and eliminating early voting on the Sunday before election day;
- The requirement that early voting take place for eight (8) hours each day between 7 a.m. and 7 p.m. also was removed, and instead, local Supervisors of Elections could offer as few as six (6) hours each day and no more than 12 hours each day;
- HB 1355 also mandates some additional weekend hours of early voting, with the new early voting period running from the Saturday two (2) weekends before the election to the Saturday immediately before Election Day, meaning that the early voting period under HB 1355 now requires three (3) weekend days of early voting: two Saturdays and one Sunday, but significantly, HB 1355 prohibited early voting on the Sunday before election day; and

**WHEREAS**, the Miami-Dade Board of County Commissioners passed R-741-12 on September 18<sup>th</sup>, 2012, which urged Governor Scott to restore early voting to the full 14-days as it was before the adoption of HB 1355; and

**WHEREAS**, various elected officials, including United States Senator Bill Nelson, sent letters to Governor Rick Scott urging him to use his executive powers to extend early voting, as his predecessors, Governor Jeb Bush and Governor Charlie Crist had done, but Governor Scott declined to extend early voting; and

**WHEREAS**, it has been reported that, compared with the 2008 election, early voting declined statewide in Florida in 2012, with 2.4 million Floridians voting early in 2012 compared with 2.6 million in 2008, a reduction of approximately nine percent (9%); and

**WHEREAS**, Florida state law not only strictly limits the days and hours permissible for early voting, but also expressly limits the locations that can be used for early voting; and

**WHEREAS**, section 101.657, Florida Statutes, provides that Supervisors of Elections may only conduct early voting at the main or branch office of the Supervisor, a city hall or a permanent public library facility; and

**WHEREAS**, section 101.657 further provides that a branch office of the Supervisor of Elections “shall have been designated and used as such for at least one year prior to the election”; and

**WHEREAS**, city halls, libraries and Supervisors of Elections offices often are not equipped to handle large numbers of people for early voting in addition to the people that typically use these facilities on a daily basis; and

**WHEREAS**, there is, for example, often insufficient parking at these authorized early voting sites to accommodate the large number of people who want to vote by way of early voting; and

**WHEREAS**, there were reports during early voting this year of a number of cases where people had their cars towed from nearby lots while they were trying to exercise their constitutional right to vote; and

**WHEREAS**, there are other locations that could better accommodate the large number of people that want to vote by way of early voting; and

**WHEREAS**, the Florida Legislature should not only restore early voting to the days allowed prior to the passage of HB 1355, but also expand the flexibility associated with the sites that can be used for early voting,

**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 during the 2013 session to restore early voting to the full 14 days in place before the passage of HB 1355 including the Sunday before Election Day.

**Section 2.** Further urges the Florida Legislature to provide counties greater flexibility related to the sites used for early voting and the hours for early voting.

**Section 3.** Identifies this issue as a critical priority of Miami-Dade County for the 2013 session of the Florida Legislature.

**Section 4.** Directs the Clerk of this Board to send a certified copy of this resolution to the Governor, Senate President, House Speaker, the Chair and Members of the Miami-Dade State Legislative Delegation and the Florida Secretary of State.

**Section 5.** Directs the County's state lobbyists to advocate for the passage of the legislation and action set forth in sections 1 and 2 above, and authorizes and directs the Office of Intergovernmental Affairs to include this item in the 2013 State Legislative Package as a critical County priority when it is presented to the Board.

The Prime Sponsor of the foregoing resolution is Commissioner Jean Monestime. 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:

- |                                     |                      |
|-------------------------------------|----------------------|
| Audrey M. Edmonson, Vice Chairwoman |                      |
| Bruno A. Barreiro                   | Lynda Bell           |
| Esteban L. Bovo, Jr.                | Jose "Pepe" Diaz     |
| Sally A. Heyman                     | Barbara J. Jordan    |
| Jean Monestime                      | Dennis C. Moss       |
| Rebeca Sosa                         | Sen. Javier D. Souto |
| Xavier L. Suarez                    | Juan C. Zapata       |

The Chairperson thereupon declared the resolution duly passed and adopted this 18<sup>th</sup> day of December, 2012. 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