MEMORANDUM

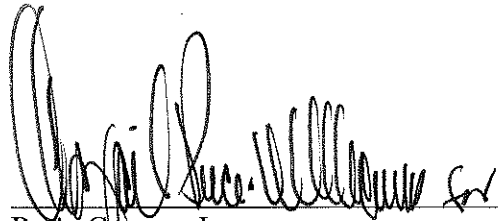|			
TO:	Honorable Chairwoman Rebeca Sosa and Members, Board of County Commissioners	**DATE:**	(Second Reading 2-5-13) December 18, 2012
FROM:	R. A. Cuevas, Jr. County Attorney	**SUBJECT:**	Ordinance requiring County Mayor to provide reports to the Board prior to and after Primary and General Elections; creating Section 12-1 of the Code

The accompanying ordinance was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Dennis C. Moss and Co-Sponsor Commissioner Audrey M. Edmonson.

R. A. Cuevas, Jr.
County Attorney

RAC/smm

Memorandum   MIAMI-DADE COUNTY

Date: February 5, 2013

To: Honorable Chairwoman Rebeca Sosa
            and Members, Board of County Commissioners

From: Carlos A. Gimenez
             Mayor

Subject: Ordinance Requiring County Mayor to Provide Reports to the Board Prior to and After
                Primary and General Elections; Creating Section 12-1 of the Code

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The proposed ordinance requires the County Mayor or Mayor's designee to provide reports to the Board prior to and after Primary and General Elections. Implementation of this ordinance will not have a fiscal impact to the County because the Elections Department will use existing staff to absorb the work necessary to develop these reports.

Alina T. Hudak
Deputy Mayor

Fis3313

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MEMORANDUM
(Revised)

TO: Honorable Chairwoman Rebeca Sosa
and Members, Board of County Commissioners

DATE: February 5, 2013

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

SUBJECT: Agenda Item No. 7(F)

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

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ORDINANCE NO. _____

ORDINANCE REQUIRING COUNTY MAYOR OR COUNTY
MAYOR'S DESIGNEE TO PROVIDE REPORTS TO THE
BOARD PRIOR TO AND AFTER PRIMARY AND GENERAL
ELECTIONS; CREATING SECTION 12-1 OF THE CODE;
PROVIDING SEVERABILITY, INCLUSION IN THE CODE
AND AN EFFECTIVE DATE

WHEREAS, Miami-Dade County, through its Home Rule Charter, abolished the constitutional office of Supervisor of Elections as a separate office and now provides that the duties and functions of that office shall be performed by the County Mayor or the County Mayor's designee; and

WHEREAS, the Home Rule Charter empowers the Board to make investigations of County affairs and inquire into the "conduct, accounts, records, and transactions of any department or office of the County"; and

WHEREAS, Miami-Dade electors voting during the November 2012 General Election experienced long lines and waiting times averaging five hours during early voting and much longer in many precincts during election day; and

WHEREAS, the Board desires to review the preparation and performance of the Department of Elections prior to and after Primary and General elections; and

WHEREAS, the orderly conduct of elections is of paramount importance to a functioning democracy, the Board desires that such reports be given at a time certain during a regular Board meeting, to provide adequate opportunity for the Board to thoroughly review such reports and recommendations and consider actions to improve the elections process,

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NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA:

Section 1.   Section 12-1 of the Code of Miami-Dade County, Florida, is hereby created to read as follows in its entirety:

Sec. 12-1.   Reports to the Board.

The County Mayor or the County Mayor's designee shall prepare and deliver, between sixty and ninety days prior to any Primary or General election, a report to the Board of County Commissioners detailing the Department of Elections' preparations for such election. The report shall, at a minimum, contain: (1) an analysis of the anticipated voter turnout; (2) the anticipated utilization of absentee voting, early voting and Election Day voting by Miami-Dade County voters; (3) the steps taken by the Department to ensure that voters are able to cast ballots in a reasonable amount of time; (4) a summary of the equipment and personnel to be deployed at early voting locations and Election Day precincts; and (5) any additional budgetary or legislative requests necessary to perform the duties of the Department at the General Election. The County Mayor or the County Mayor's designee shall also prepare and deliver, between thirty and sixty days after any Primary or General election, a report to the Board of County Commissioners detailing the performance of the Department of Elections during such election. The report shall, at a minimum, contain: (1) an analysis of the voter turnout; (2) the amount of time taken by voters to cast ballots; (3) any irregularities or problems in the Department's conduct of the election or in the voting process; and (4) budgetary or legislative recommendations for improvement of the voting experience in future elections. Notwithstanding any other provision of the Code to the contrary, such reports shall be placed on the agenda of the next regularly scheduled meeting of the Board of County Commissioners and shall be heard at a time certain to be set by the Chairperson.

Section 2.   If any section, subsection, sentence, clause or provision of this ordinance is held invalid, the remainder of this ordinance shall not be affected by such invalidity.

Section 3.   It is the intention of the Board of County Commissioners, and it is hereby ordained that the provisions of this ordinance, including any sunset provision, shall become and be made a part of the Code of Miami-Dade County, Florida. The sections of this ordinance may

be renumbered or relettered to accomplish such intention, and the word "ordinance" may be changed to "section," "article," or other appropriate word.

Section 4.   This ordinance shall become effective ten (10) days after the date of enactment unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

PASSED AND ADOPTED:

Approved by County Attorney as
to form and legal sufficiency:

Prepared by:

Oren Rosenthal

Prime Sponsor: Commissioner Dennis C. Moss
Co-Sponsor: Commissioner Audrey M. Edmonson