


MEMORANDUM

Agenda Item No. 11(A)(20)

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 supporting the state legislative recommendations of the Mayor's Elections Advisory Group; urging the Florida Legislature during the 2013 session to enact these recommendations or substantially similar legislation; and identifying these recommendations as critical County priorities for the 2013 session

The accompanying resolution was prepared and placed on the agenda at the request of Co-Prime Sponsors Commissioner Rebeca Sosa, Commissioner Lynda Bell and Commissioner Sally A. Heyman.




R. A. Cuevas, Jr.
County Attorney

RAC/lmp



MEMORANDUM
(Revised)

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: Agenda Item No.11 (A) (20)

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) (20)
12-18-12

RESOLUTION NO. _____

RESOLUTION SUPPORTING THE STATE LEGISLATIVE RECOMMENDATIONS OF THE MAYOR'S ELECTIONS ADVISORY GROUP; URGING THE FLORIDA LEGISLATURE DURING THE 2013 SESSION TO ENACT THESE RECOMMENDATIONS OR SUBSTANTIALLY SIMILAR LEGISLATION; AND IDENTIFYING THESE RECOMMENDATIONS AS CRITICAL COUNTY PRIORITIES FOR THE 2013 SESSION

WHEREAS, the Mayor created the Elections Advisory Group following the November 2012 general election; and

WHEREAS, the Elections Advisory Group has met, considered and decided to support five (5) state legislative recommendations related to elections for the 2013 session of the Florida Legislature; and

WHEREAS, the five (5) state legislative recommendations consist of the following:

1. Expanding allowable facilities eligible for use as early voting sites;
2. Extending the availability of early voting from eight (8) to nine (9) days, so as to include the last Sunday before Election Day;
3. Limiting ballot language for constitutional amendments proposed by the Legislature to the same maximum of 15 words for the title and 75 words for the ballot summary that applies to constitutional amendments proposed by other individuals or entities;
4. Extending the number of days that Supervisors of Elections are permitted to canvass absentee ballots before the election from 15 to 20 days;
5. Discontinuing the use of the term "Absentee Ballot" and replacing it with "Vote by Mail"; and

WHEREAS, this Board strongly supports these recommendations and urges the Florida Legislature to enact them during the 2013 session; and

WHEREAS, given the importance of addressing these issues for voters in future elections, the Board wishes to identify these issues as critical County priorities in the County's state legislative package for the 2013 session of the Florida Legislature,

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

Section 1. Supports the following five (5) state legislative recommendations of the Mayor's Elections Advisory Group, statutory amendment language for which is attached and incorporated by reference:

1. Expanding allowable facilities eligible for use as early voting sites;
2. Extending the availability of early voting from eight (8) to nine (9) days, so as to include the last Sunday before Election Day;
3. Limiting ballot language for constitutional amendments proposed by the Legislature to the same maximum of 15 words for the title and 75 words for the ballot summary that applies to constitutional amendments proposed by other individuals or entities;
4. Extending the number of days that Supervisors of Elections are permitted to canvass absentee ballots before the election from 15 to 20 days;
5. Discontinuing the use of the term "Absentee Ballot" and replacing it with "Vote by Mail".

Section 2. Urges the Florida Legislature during the 2013 session to enact these five (5) recommendations or substantially similar legislation.

Section 3. Identifies these issues as critical priorities of Miami-Dade County for the 2013 session of the Florida Legislature.

Section 4. Directs the County's state lobbyists to advocate for the passage of the legislation set forth in Section 1 above, and authorizes and directs the Office of Intergovernmental Affairs to amend the 2013 State Legislative Package to include these items as critical priorities.

The Co-Prime Sponsors of the foregoing resolution are Commissioner Rebeca Sosa, Commissioner Lynda Bell and Commissioner Sally A. Heyman. 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 18th 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.

JMM

Jess M. McCarty

Recommendation #1: Expansion of Permissible Early Voting Locations

Amend Florida Statute 101.657(1)(a):

As a convenience to the voter, the supervisor of elections shall allow an elector to vote early in the main or branch office of the supervisor, any city hall, permanent public library facility, or any other site convenient, accessible, with sufficient parking for voters and includes the required security protocols for early voting sites. If a supervisor of elections provides early voting at sites other than the main or branch office of the supervisor, such early voting sites must be geographically located so as to provide all voters in the county an equal opportunity to cast a ballot, in so far as is practicable. Such sites may also offer alternate voting facilities or opportunities for elderly voters or persons with disabilities. The supervisor shall mark, code, indicate on, or otherwise track the voter's precinct for each early voted ballot. ~~In order for a branch office to be used for early voting, it shall be a permanent facility of the supervisor and shall have been designated and used as such for at least 1 year prior to the election. The supervisor may also designate any city hall or permanent public library facility as early voting sites; however, if so designated, the sites must be geographically located so as to provide all voters in the county an equal opportunity to cast a ballot, insofar as is practicable.~~ The results or tabulation of votes cast during early voting may not be made before the close of the polls on election day. Results shall be reported by precinct.

Recommendation #2: Early Voting Days and Hours – Nine Days Including Two Weekends

Amend Florida Statute 101.657 (1)(d):

Early voting shall begin on the 10th day before an election that contains state or federal races and end on the ~~3rd~~ 2nd day before an election, and shall be provided for no less than 6 hours and no more than 12 hours per day at each site during the applicable period at each site during the applicable periods. The supervisor of elections may provide early voting for elections that are not held in conjunction with a state or federal election. However, the supervisor has the discretion to determine the hours of operation of early voting sites in those elections.

Recommendation #3 – Referendum Proposed by Legislature

Amend Florida Statute 101.161:

(1) Whenever a constitutional amendment or other public measure is submitted to the vote of the people a ballot summary of such amendment or other public measure shall be printed in clear and unambiguous language on the ballot after the list of candidates, followed by the word "yes" and also by the word "no," and shall be styled in such a manner that a "yes" vote will indicate approval of the proposal and a "no" vote will indicate rejection. The ballot summary of the amendment or other public measure and the ballot title to appear on the ballot shall be embodied in the joint resolution, constitutional revision commission proposal, constitutional convention proposal, taxation and budget reform commission proposal, or enabling resolution or ordinance. The ballot summary of the amendment or other public measure shall be an explanatory statement, not exceeding 75 words in length, of the chief purpose of the measure. In addition, for every amendment proposed by initiative, the ballot shall include, following the ballot summary, a separate financial impact statement concerning the measure prepared by the Financial Impact Estimating Conference in accordance with s.100.371(5). The ballot title shall consist of a caption, not exceeding 15 words in length, by which the measure is commonly referred to or spoken of. ~~This subsection does not apply to constitutional amendments or revisions proposed by joint resolution.~~

(2) The ballot summary and ballot title of a constitutional amendment proposed by initiative shall be prepared by the sponsor and approved by the Secretary of State in accordance with rules adopted pursuant to s. 120.54. The Department of State shall give each proposed constitutional amendment a designating number for convenient reference. This number designation shall appear on the ballot. Designating numbers shall be assigned in the order of filing or certification and in accordance with rules adopted by the Department of State. The Department of State shall furnish the designating number, the ballot title, and unless otherwise specified in a joint resolution, the ballot summary of each amendment to the

supervisor of elections of each county in which such amendment is to be voted on.

~~(3)(a) Each joint resolution that proposes a constitutional amendment or revision shall include one or more ballot statements set forth in order of priority. Each ballot statement shall consist of a ballot title, by which the measure is commonly referred to or spoken of, not exceeding 15 words in length, and either a ballot summary that describes the chief purpose of the amendment or revision in clear and unambiguous language, or the full text of the amendment or revision. The Department of State shall furnish a designating number pursuant to subsection (2) and the appropriate ballot statement to the supervisor of elections of each county. The ballot statement shall be printed on the ballot after the list of candidates, followed by the word "yes" and also by the word "no," and shall be styled in such a manner that a "yes" vote will indicate approval of the amendment or revision and a "no" vote will indicate rejection.~~

~~(b)1. Any action for a judicial determination that one or more ballot statements embodied in a joint resolution are defective must be commenced by filing a complaint or petition with the appropriate court within 30 days after the joint resolution is filed with the Secretary of State. The complaint or petition shall assert all grounds for challenge to each ballot statement. Any ground not asserted within 30 days after the joint resolution is filed with the Secretary of State is waived.~~

~~2. The court, including any appellate court, shall accord an action described in subparagraph 1. priority over other pending cases and render a decision as expeditiously as possible. If the court finds that all ballot statements embodied in a joint resolution are defective and further appeals are declined, abandoned, or exhausted, unless otherwise provided in the joint resolution, the Attorney General shall, within 10 days, prepare and submit to the Department of State a revised ballot title or ballot summary that corrects the deficiencies identified by the court, and the Department of State shall furnish a designating number and the revised ballot title or ballot summary to the supervisor of elections of each county for placement on the ballot. The court shall retain jurisdiction over challenges to a~~

~~revised ballot title or ballot summary prepared by the Attorney General, and any challenge to a revised ballot title or ballot summary must be filed within 10 days after a revised ballot title or ballot summary is submitted to the Department of State.~~

~~3. A ballot statement that consists of the full text of an amendment or revision shall be presumed to be a clear and unambiguous statement of the substance and effect of the amendment or revision, providing fair notice to the electors of the content of the amendment or revision and sufficiently advising electors of the issue upon which they are to vote.~~

~~(4)(3)(a) For any general election in which the Secretary of State, for any circuit, or the supervisor of elections, for any county, has certified the ballot position for an initiative to change the method of selection of judges, the ballot for any circuit must contain the statement in paragraph (b) or paragraph (c) and the ballot for any county must contain the statement in paragraph (d) or paragraph (e).~~

~~(b) In any circuit where the initiative is to change the selection of circuit court judges to selection by merit selection and retention, the ballot shall state: "Shall the method of selecting circuit court judges in the ...(number of the circuit)... judicial circuit be changed from election by a vote of the people to selection by the judicial nominating commission and appointment by the Governor with subsequent terms determined by a retention vote of the people?" This statement must be followed by the word "yes" and also by the word "no."~~

~~(c) In any circuit where the initiative is to change the selection of circuit court judges to election by the voters, the ballot shall state: "Shall the method of selecting circuit court judges in the ...(number of the circuit)... judicial circuit be changed from selection by the judicial nominating commission and appointment by the Governor with subsequent terms determined by a retention vote of the people to election by a vote of the people?" This statement must be followed by the word "yes" and also by the word "no."~~

~~(d) In any county where the initiative is to change the selection of county court judges to merit selection and retention, the ballot shall state: "Shall the method of selecting county court judges in ...(name of county)... be changed from election by~~

a vote of the people to selection by the judicial nominating commission and appointment by the Governor with subsequent terms determined by a retention vote of the people?" This statement must be followed by the word "yes" and also by the word "no."

(e) In any county where the initiative is to change the selection of county court judges to election by the voters, the ballot shall state: "Shall the method of selecting county court judges in ...(name of the county)... be changed from selection by the judicial nominating commission and appointment by the Governor with subsequent terms determined by a retention vote of the people to election by a vote of the people?" This statement must be followed by the word "yes" and also by the word "no."

~~The amendment of section 101.161, Florida Statutes, made by this act applies retroactively to all joint resolutions adopted by the Legislature during the 2011 Regular Session, except that any legal action challenging a ballot title or ballot summary embodied in such joint resolution or challenging placement on the ballot of the full text of the proposed amendment or revision to the State Constitution as specified in such joint resolution must be commenced within 30 days after the effective date of this act or within 30 days after the joint resolution to which a challenge relates is filed with the Secretary of State, whichever occurs later.~~

Recommendation #4 – Additional Time to Canvass Absentee Ballots

Amend Florida Statute 101.68(2)(a):

The county canvassing board may begin the canvassing of absentee ballots at 7 a.m. on the 15th 20th day before the election, but not later than noon on the day following the election. In addition, for any county using electronic tabulating equipment, the processing of absentee ballots through such tabulating equipment may begin at 7 a.m on the 15th 20th day before the election.

Recommendation #5 – Change the Name of Absentee Ballots to Vote by Mail

Globally change any reference to “absentee ballot” in Election Laws of the State of Florida to “Vote by Mail.”