

MEMORANDUM

EDPC
Agenda Item No. 1(F)1

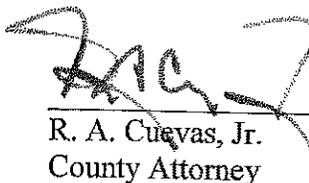
TO: Honorable Chairwoman Rebeca Sosa
and Members, Board of County Commissioners

DATE: April 11, 2013

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

SUBJECT: Ordinance requiring Supervisor
of Elections of Miami-Dade
County to allow voters to select a
preferred ballot language and to
provide voters ballots printed
exclusively in the language of the
voters preference; creating
Section 12-4 of the Code

The accompanying ordinance was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Juan C. Zapata and Co-Sponsor Commissioner Jose "Pepe" Diaz.



R. A. Cuevas, Jr.
County Attorney

RAC/smm



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. 4(C)

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.
2-5-13

ORDINANCE NO. _____

ORDINANCE REQUIRING SUPERVISOR OF ELECTIONS OF MIAMI-DADE COUNTY TO ALLOW VOTERS TO SELECT A PREFERRED BALLOT LANGUAGE AND TO PROVIDE VOTERS BALLOTS PRINTED EXCLUSIVELY IN THE LANGUAGE OF THE VOTERS PREFERENCE; CREATING SECTION 12-4 OF THE CODE; PROVIDING SEVERABILITY, INCLUSION IN THE CODE AND AN EFFECTIVE DATE

WHEREAS, Section 203 of the Voting Rights Act (“VRA”) mandates that a state or political subdivision must provide language assistance to voters in “covered jurisdictions” where more than five (5) percent of voting age citizens are members of a single language minority group and do not “speak or understand English adequately enough to participate in the electoral process”; and

WHEREAS, the Department of Justice has determined Miami-Dade County is a covered jurisdiction for the Hispanic language minority group as defined by the VRA; and

WHEREAS, Miami-Dade County traditionally offers absentee ballots with English, Spanish, and Creole translations printed on the same ballot; and

WHEREAS, offering all three languages on the same ballot is often confusing to voters and results in a longer ballot with overly lengthy ballot questions; and

WHEREAS, Miami-Dade County’s trilingual ballots have higher printing, postage and return postage costs to the County taxpayers; and

WHEREAS, the ten to twelve page Miami-Dade County trilingual ballots in the November 6, 2012 General Election contributed to delays for voters trying to complete their individual ballots; which contributed to long lines and waiting times averaging five hours during early voting and much longer in many precincts during election day; and

WHEREAS, other major urban municipalities in the United States like Cook County (Chicago), Illinois allows voters to check off a box on their mail ballot application indicating if they are requesting a mail ballot in a language other than English, by marking Spanish, Chinese or Hindi; and

WHEREAS, the Board of County Commissioners wishes to establish a policy to allow voters in Miami-Dade County to, where otherwise permitted by law, select between ballots printed in the English, Spanish or Creole language – thus reducing the total pages of the ballot and the length of ballot questions,

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

Section 1. Section 12-4 of the Code of Miami-Dade County, Florida, is hereby created to read as follows in its entirety:

Sec. 12-4. Availability of Ballots in Languages other than English.

In all county-wide elections and any other election as determined by resolution of the Board of County Commissioners, the Supervisor of Elections, to the extent permitted by State law, shall allow voters to elect a language preference (at a minimum between English, Spanish or Creole) and shall provide such voters, whether voting absentee, early or at their polling place, a ballot printed exclusively in the language of preference.

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 Juan C. Zapata
Co-Sponsor: Commissioner Jose "Pepe" Diaz