

MEMORANDUM

Agenda Item No. 11(A)(8)

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

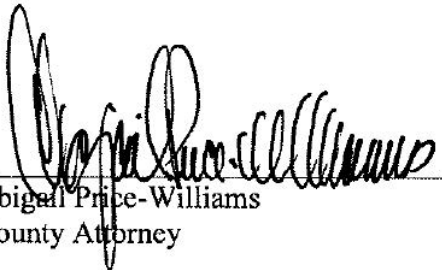
DATE: May 5, 2020

FROM: Abigail Price-Williams
County Attorney

SUBJECT: Resolution directing County Mayor to send the households of all registered Miami-Dade County voters who have not requested a vote-by-mail ballot for the 2020 Primary and General Elections directions on requesting a vote-by-mail ballot and updating a voter's signature and urging Governor Ron DeSantis or the Florida Legislature to adopt the recommendations of the Florida Association of Supervisors of Elections as they relate to vote-by-mail ballots as a result of the coronavirus disease 2019 (COVID-19) pandemic

This item was amended at the 4-20-20 Chairwoman's Policy Council to require the County Mayor or County Mayor's designee to send to the households of all registered voters who have not requested a vote-by-mail ballot for the 2020 election cycle information on requesting a vote-by-mail ballot and updating their voter signature, rather than sending each voter a vote-by-mail request form and signature update card.

The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Chairwoman Audrey M. Edmonson, and Co-Sponsors Commissioner Daniella Levine Cava, Commissioner Barbara J. Jordan and Commissioner Joe A. Martinez.


Abigail Price-Williams
County Attorney

APW/smm



MEMORANDUM
(Revised)

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

DATE: May 5, 2020

FROM: Abigail Price-Williams
County Attorney

SUBJECT: Agenda Item No. 11(A)(8)

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
- Statement of social equity 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 present ____, 2/3 membership ____, 3/5's ____, unanimous ____, CDMP 7 vote requirement per 2-116.1(3)(h) or (4)(c) ____, CDMP 2/3 vote requirement per 2-116.1(3)(h) or (4)(c) ____, or CDMP 9 vote requirement per 2-116.1(4)(c)(2) ____) 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)(8)
5-5-20

RESOLUTION NO. _____

RESOLUTION DIRECTING COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO SEND THE HOUSEHOLDS OF ALL REGISTERED MIAMI-DADE COUNTY VOTERS WHO HAVE NOT REQUESTED A VOTE-BY-MAIL BALLOT FOR THE 2020 PRIMARY AND GENERAL ELECTIONS DIRECTIONS ON REQUESTING A VOTE-BY-MAIL BALLOT AND UPDATING A VOTER'S SIGNATURE; AND URGING GOVERNOR RON DESANTIS AND THE FLORIDA LEGISLATURE TO ADOPT THE RECOMMENDATIONS OF THE FLORIDA ASSOCIATION OF SUPERVISORS OF ELECTIONS AS THEY RELATE TO VOTE-BY-MAIL BALLOTS AS A RESULT OF THE CORONAVIRUS DISEASE 2019 (COVID-19) PANDEMIC

WHEREAS, Miami-Dade County successfully completed the March 17, 2020 Presidential Preference Primary notwithstanding serious difficulties with polling locations and poll workers caused by the coronavirus disease 2019 (COVID-19) rapidly spreading throughout the State of Florida; and

WHEREAS, the March 17, 2020 Presidential Preference Primary experienced a relatively low voter turnout of 15.53 percent of the total registered voters in Miami-Dade County; and

WHEREAS, the upcoming August 18, 2020 Primary Election and November 3, 2020 General Election are anticipated to generate significantly higher voter turnout; and

WHEREAS, on March 9, 2020, Governor Ron DeSantis issued Executive Order 20-52 declaring a state of emergency for the entire State of Florida as a result of COVID-19; and

WHEREAS, on March 12, 2020, Mayor Carlos A. Gimenez declared a state of emergency for Miami-Dade County as a result of COVID-19; and

WHEREAS, on April 1, 2020, Governor Ron DeSantis issued Executive Order 20-91, as amended by Executive Order 20-92, limiting the movement of senior citizens, individuals with significant underlying medical conditions and all persons, except when providing or obtaining essential services or conducting essential activities, effective through April 30, 2020, unless extended by subsequent order; and

WHEREAS, even if the Executive Order 20-91 is not extended, it is likely that Miami-Dade County voters and all Florida voters will need to maintain some level of social distancing to stop the spread of COVID-19 during the 2020 Primary and General Elections; and

WHEREAS, voters in the State of Florida are eligible to vote by mail or in person either at an early voting location during the early voting period or at a polling place on election day; and

WHEREAS, voters using a vote-by-mail ballot may cast their votes from their own homes without the need to come into proximity with any other individuals who may be carrying the COVID-19 infection; and

WHEREAS, Florida law permits voters to return their vote-by-mail ballots by mail or at an early voting location with limited interaction with other individuals; and

WHEREAS, each vote-by-mail ballot cast is one less voter that will appear at an early voting location or polling place thus reducing the total volume of voters at those locations; and

WHEREAS, section 101.62, Florida Statutes, only authorizes Supervisors of Elections to send vote-by-mail ballots to voters upon their request; and

WHEREAS, encouraging voters to vote by mail by providing >>the households of<<¹ all Miami-Dade County registered voters who have not already requested a vote-by-mail ballot with

¹ Committee amendments are indicated as follows: Words stricken through and/or [[double bracketed]] are deleted, words underscored and/or >>double arrowed<< are added.

>>directions on requesting<< a vote-by-mail ballot [~~request form~~] will encourage voters to vote by mail and provide much needed relief at early voting locations and polling places; and

WHEREAS, >>sending every household with at least one voter who does not have a vote-by-mail request on file information on the importance and process for updating the voter's signature on file with the Elections Department will allow voters to update<< [~~including signature update cards with each vote-by-mail ballot request form will allow voters to record~~] their current signatures so that canvassing of their vote-by-mail ballot is easier and more efficient, and

WHEREAS, on April 7, 2020, the Florida Association of Supervisors of Elections requested that Governor Ron DeSantis issue an Executive Order to, among other things, suspend for the 2020 Primary and General Elections:

- the provisions of section 101.62(4)(b), Florida Statutes, and allow supervisors to mail any requested vote-by-mail ballots between the 45th and 25th day before the Primary and General Election;
- the provisions of section 101.62(4)(b), Florida Statutes, and allow supervisors to mail vote-by-mail ballots more than two business days after receipt of a request; and
- the provisions of section 101.68(2)(a), Florida Statutes, and allow supervisors to begin canvassing and tabulating vote-by-mail ballots immediately upon the completion of the logic and accuracy test under section 101.5612(2); and

WHEREAS, suspending these provisions of Florida law will allow Miami-Dade County to mail, process, canvass and tabulate the expected increase in vote-by-mail ballot for the 2020 Primary and General Elections; and

WHEREAS, this Board believes that >>sending every household with at least one voter who does not have a vote-by-mail request on file detailed instructions on how to request a vote-by-mail ballot and the importance and process for updating the voter's signature on file with the Elections Department<< ~~[[providing every Florida registered voter with a vote-by-mail ballot request form and a signature update card]]~~ will allow Floridians to maximize citizen participation in the electoral process and provide a safe and orderly procedure for persons seeking to exercise their right to vote,

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

Section 1. Directs the County Mayor or County Mayor's designee to use legally available funding sources to >>send every household with at least one voter who does not have<< a vote-by-mail ballot >>request on file<< for the 2020 Primary and General Elections >>detailed instructions on how to request<< a vote-by-mail ballot >>and the importance and process for updating the voter's signature on file with the Elections Department<< to encourage the expanded use of vote-by-mail balloting in those elections.

Section 2. Urges Governor Ron DeSantis to issue an Executive Order to suspend for the 2020 Primary and General Elections:

- the provisions of section 101.62(4)(b), Florida Statutes, and allow supervisors to mail any requested vote-by-mail ballots between the 45th and 25th day before the Primary and General Election;
 - the provisions of section 101.62(4)(b), Florida Statutes, and allow supervisors to mail vote-by-mail ballots more than two business days after receipt of a request;
- and

- the provisions of section 101.68(2)(a), Florida Statutes, and allow supervisors to begin canvassing and tabulating vote-by-mail ballots immediately upon the completion of the logic and accuracy test under section 101.5612(2).

Section 3. Urges the Florida Legislature to enact legislation to provide additional time for the Florida Supervisors of Elections to mail, cavass and tabulate vote-by-mail ballots in the 2020 Primary and General Elections consistent with the April 7, 2020 request of the Florida Association of Supervisors of Elections to Governor Ron DeSantis.

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

Section 5. Directs the County’s state lobbyists to advocate for the actions set forth in sections 2 and 3 above, and authorizes and directs the Office of Intergovernmental Affairs to amend the 2020 State Legislative Package to include this item and to include this item in the 2021 State Legislative Package when it is presented to the Board.

The Prime Sponsor of the foregoing resolution is Chairwoman Audrey M. Edmonson, and the Co-Sponsors are Commissioner Daniella Levine Cava, Commissioner Barbara J. Jordan and Commissioner Joe A. Martinez. 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, Chairwoman	
Rebeca Sosa, Vice Chairwoman	
Esteban L. Bovo, Jr.	Daniella Levine Cava
Jose “Pepe” Diaz	Sally A. Heyman
Eileen Higgins	Barbara J. Jordan
Joe A. Martinez	Jean Monestime
Dennis C. Moss	Sen. Javier D. Souto
Xavier L. Suarez	

The Chairperson thereupon declared this resolution duly passed and adopted this 5th day of May, 2020. This resolution shall become effective upon the earlier of (1) 10 days after the date of its adoption unless vetoed by the County Mayor, and if vetoed, shall become effective only upon an override by this Board, or (2) approval by the County Mayor of this resolution and the filing of this approval with the Clerk of the 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.



Oren Rosenthal