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CLERK OF THE BOARD
OF COUNTY COMMISSIONERS
MIAMI-DADE COUNTY, FLORIDA

MEMORANDUM

Agenda Item No. 11(A)(8)

TO: Honorable Chairman Bruno A. Barreiro and Members, Board of County Commissioners

DATE: March 4, 2008

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

SUBJECT: Resolution urging the Florida Legislature to pass legislation allowing voters with no party affiliation to vote in any party primary

Resolution No. R-245-08

The accompanying resolution was prepared and placed on the agenda at the request of Commissioner Carlos A. Gimenez and Commissioner Rebeca Sosa.

R. A. Cuevas, Jr.
County Attorney

RAC/cp

MEMORANDUM

(Revised)

TO: Honorable Chairman Bruno A. Barreiro and Members, Board of County Commissioners

DATE: March 4, 2008

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

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

Please note any items checked.

_____ **"4-Day Rule" ("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**

_____ **Bid waiver requiring County Manager's written recommendation**

_____ **Ordinance creating a new board requires detailed County Manager's report for public hearing**

_____ **Housekeeping item (no policy decision required)**

_____ **No committee review**

Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 11(A)(8)
03-04-08

RESOLUTION NO. **R-245-08**

RESOLUTION URGING THE FLORIDA LEGISLATURE TO PASS LEGISLATION ALLOWING VOTERS WITH NO PARTY AFFILIATION TO VOTE IN ANY PARTY PRIMARY

WHEREAS, closed primaries require voters to have a particular party's affiliation in order to vote in that party's primary, while open primaries allow all voters to vote in a particular party's primary, regardless of the voter's party affiliation or if the voter has no party affiliation; and

WHEREAS, some states also have semi-open primaries that allow voters with no party affiliation to vote in any party's primary, while preventing a voter affiliated with one party from voting in another party's primary; and

WHEREAS, in 1998, Florida voters passed a constitutional amendment proposed by the Constitutional Revision Commission that provides that, if all candidates for an office have the same party affiliation and the winner will have no opposition in the general election, then all qualified electors, regardless of party affiliation, may vote in the primary elections for that office; and

WHEREAS, other than this narrow exception, primaries are closed in Florida; and

WHEREAS, this narrow exception can be foreclosed relatively easily by putting a "straw man" candidate on the general election ballot; and

WHEREAS, the number of voters registered with no party affiliation in Florida steadily has grown in recent years; and

WHEREAS, in 1994, only 8 percent of Florida voters had no party affiliation, but the number of voters with no party affiliation has grown by almost 1.4 million voters since then and

unaffiliated voters now account for 19 percent of Florida voters, while voters registered as Republicans and Democrats have grown more slowly by 1.1 million and 900,000 voters respectively; and

WHEREAS, of the approximately 10.2 million voters currently registered in Florida, 3.8 million or 37 percent are Republicans; 4.1 million or 41 percent are Democrats; and 1.9 million or 19 percent have no party affiliation; and

WHEREAS, Miami-Dade County currently has 1,083,720 registered voters, of which 360,458 or 33 percent are Republicans; 459,370 or 42 percent are Democrats; and 217,498 or 20 percent have no party affiliation; and

WHEREAS, on February 5, 2008, 24 states will hold primaries on Super Tuesday and half of those states allow unaffiliated voters to vote in party primaries; and

WHEREAS, closed primaries preclude voters with no party affiliation from participating in the selection of either major party's candidate for office; and

WHEREAS, by allowing voters with no party affiliation to participate in any party's primary, the growing ranks of voters with no party affiliation would have a greater role in determining who each major party chooses as candidates, and candidates would be encouraged to address issues important to a wide range of Florida voters,

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 allowing voters with no party affiliation to vote in any party primary.

Section 2. Directs the Clerk of the Board to transmit certified copies of the resolution to the Governor, Senate President, House Speaker, and the Chair and Members of the Miami-Dade State Legislative Delegation.

Section 3. Directs the County's state lobbyists to advocate for the issue identified in section 1 above, and directs the Office of Intergovernmental Affairs to include this item in the 2008 state legislative package.

The foregoing resolution was sponsored by Commissioner Carlos A. Gimenez and Commissioner Rebeca Sosa and offered by Commissioner **Carlos A. Gimenez**, who moved its adoption. The motion was seconded by Commissioner **Sally A. Heyman** and upon being put to a vote, the vote was as follows:

Bruno A. Barreiro, Chairman **aye**
Barbara J. Jordan, Vice-Chairwoman **aye**

Jose "Pepe" Diaz	**aye**	Audrey M. Edmonson	**aye**
Carlos A. Gimenez	**aye**	Sally A. Heyman	**aye**
Joe A. Martinez	**nay**	Dennis C. Moss	**aye**
Dorrin D. Rolle	**aye**	Natacha Seijas	**aye**
Katy Sorenson	**absent**	Rebeca Sosa	**aye**
Sen. Javier D. Souto	**aye**		

The Chairperson thereupon declared the resolution duly passed and adopted this 4th day of March 2008. 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: **Kay Sullivan**
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.

JMM

Jess M. McCarty