OFFICIAL FILE COPY
CLERK OF THE BOARD
OF COUNTY COMMISSIONERS
MIAMI-DADE COUNTY, FLORIDA

Amended

MEMORANDUM

Agenda Item No. 11(A)(18)

TO: Honorable Chairman Dennis C. Moss and Members, Board of County Commissioners

DATE: October 6, 2009

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

SUBJECT: Resolution urging the Florida Legislature to extend the statutory deadline from 2012 to 2016 for requiring Florida counties to convert the existing Americans with Disabilities Act touch screen voting equipment to paper ballots for voters with disabilities

Resolution No. R-1183-09

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

R. A. Cuevas, Jr.
County Attorney

RAC/jls

RESO\2078

/

MEMORANDUM

(Revised)

TO: Honorable Chairman Dennis C. Moss and Members, Board of County Commissioners

DATE: October 6, 2009

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

SUBJECT: Amended Agenda Item No. 11(A)(18)

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 Manager'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 _____

Amended
Agenda Item No. 11(A)(18)
10-6-09

RESOLUTION NO. R-**1183-09**

RESOLUTION URGING THE FLORIDA LEGISLATURE TO EXTEND THE STATUTORY DEADLINE FROM 2012 TO 2016 FOR REQUIRING FLORIDA COUNTIES TO CONVERT THE EXISTING AMERICANS WITH DISABILITIES ACT TOUCH SCREEN VOTING EQUIPMENT TO PAPER BALLOTS FOR VOTERS WITH DISABILITIES

WHEREAS, in 2007, the Florida Legislature voted to make Florida a "paper ballot" state by passing HB 537, Chapter 2007-30, Laws of Florida; and

WHEREAS, a component of the 2007 legislation also required a conversion by 2012 of the existing Americans with Disabilities Act (ADA) voting equipment, which are touch screens, to a "paper ballot" system for voters with disabilities; and

WHEREAS, currently, there is only one certified paper-based system that meets ADA requirements, which is the AutoMark; and

WHEREAS, the Florida State Association of Supervisors of Elections (FSASE) had anticipated that additional ADA voting systems would have been developed and certified by the state by the 2012 deadline, but such certification has not yet occurred; and

WHEREAS, the FSASE is urging the Florida Legislature to extend the deadline from 2012 to 2016 for counties to convert ADA voting equipment, and has prepared a position paper in support thereof, a copy of which is attached and incorporated by reference; and

WHEREAS, during the November 4, 2008 Presidential Election, only 1,842 of the 872,260 voters in Miami-Dade County who cast a ballot chose to use touch screen equipment; and

WHEREAS, given the current economic downturn and the estimated $7 million to convert this equipment, extending the statutory deadline would be appropriate; and

WHEREAS, the County also still has a $10 million outstanding debt associated with the touch screen system, which were bought in 2001, which is in addition to the $13 million in new debt that the County incurred for the mandatory optical scan voting system, which were bought in 2007; and

WHEREAS, while the County currently has voting equipment available for use by voters with disabilities through the touch screen and regular optical scan ballots, the state has not been able to introduce new vendors with new ADA voting systems in order to allow Supervisors of Elections to comply with the 2012 deadline for new equipment for voters with disabilities; and

WHEREAS, a number of organizations that represent the disabled community have indicated that they don't have an objection to staying with the existing system at the current time until other equipment options are developed; and

WHEREAS, given the choice between continuing to use touch screens or converting to the AutoMark, the FSASE, along with other groups, including the Florida Association of Counties, Palm Beach County, Family Network on Disabilities of Florida and disAbility Solutions for Independent Living, Inc. all prefer to stay with the current system as opposed to spending scarce tax dollars on new equipment at this time,

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 extend the statutory deadline from 2012 to 2016 for Florida counties to convert from the existing ADA touch screen voting equipment to paper ballots for voters with disabilities.

Section 2. Urges the Legislature to provide state funding for any state mandate that creates additional expense at the local level.

Section 3. Directs the Clerk of the Board to transmit a certified copy of this resolution to the Governor, Senate President, House Speaker, Chair of the Senate Committee on Ethics and Elections, Chair of the House Governmental Affairs Policy Committee and Chair and Members of the Miami- Dade County State Legislative Delegation.

Section 4. Directs the County's state lobbyists to advocate for the passage of the legislation set forth in Sections 1 and 2 above, and authorizes and directs that the 2010 State Legislative Package be amended to include this item.

The Prime Sponsor of the foregoing resolution is Commissioner Carlos A. Gimenez. It was offered by Commissioner Carlos A. Gimenez, who moved its adoption. The motion was seconded by Commissioner Joe A. Martinez and upon being put to a vote, the vote was as follows:

Dennis C. Moss, Chairman aye
Jose "Pepe" Diaz, Vice-Chairman aye

Bruno A. Barreiro	aye	Audrey M. Edmonson	aye
Carlos A. Gimenez	aye	Sally A. Heyman	aye
Barbara J. Jordan	nay	Joe A. Martinez	aye
Dorrin D. Rolle	aye	Natacha Seijas	absent
Katy Sorenson	nay	Rebeca Sosa	aye
Sen. Javier D. Souto	aye		

The Chairperson thereupon declared the resolution duly passed and adopted this 6th day of October, 2009. 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: **DIANE COLLINS**
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency. JMM

Jess M. McCarty

Position Paper on Why We Want the Extension to 2016

In 2007 the Florida Legislature, at the request of Governor Charlie Crist and Secretary of State Kurt Browning, voted to make Florida a "paper ballot" state. For thirteen counties in Florida, this 2007 legislation resulted in the second voting system purchase since 2001 (punch cards to touch screens and then to optical scan). Part of the legislation (F.S. 101.56075) required the conversion of the ADA voting equipment to a "paper ballot" based system by 2012. The hope was that by 2012 additional ADA voting systems would be developed and certified in the state.

The Federal 2002 Help America Vote Act (HAVA) required all counties to purchase a voting system for each voting location that would be accessible to persons with any disability. The majority of the counties purchased touch screens with audio ballots. At the time, touch screens were the only certified accessible voting system in the state. Currently, there is only one certified optical scan (paper) system that meets this requirement - the AutoMark. Today sixty-three (63) counties use touch screens and four (4) counties use the AutoMark.

The Florida State Association of Supervisors of Elections has conducted a survey of the counties required to make the voting system change by 2012. The estimated cost will be nearly $35 million dollars. This does not include existing debt that many counties have incurred from the 2001 and 2007 voting equipment changes. The Association has been working with the disability community on accessible voting equipment since the enactment of HAVA, voter education on the accessible voting systems used on Election Day, and with concerns associated with the 2012 requirement. The disability community is disappointed that development of new technology, especially to encompass all types of disabilities, has not occurred since this legislation passed and that the AutoMark is currently the only "paper based" option available to election officials. Given the choice between continuing to use the touch screens or convert statewide to the AutoMark, the preference is to stay with the current systems in the counties and focus on encouraging voting system vendors and the Department of State to focus on development of a system that would serve persons with any type of disability during the voting process, especially with absentee ballots.

The following believe that due to the economic pressures on Boards of County Commissioners around the state; the operational impact to Supervisors of Elections budgets; the fact that new technology has not developed to allow any person with any disability to vote independently; that an extension of this requirement be delayed from 2012 until 2016.

Florida State Association of Supervisors of Elections
Association Legislative position since 2008

Florida Association of Counties
Included in the 2009 FAC Policy Statement

Family Network on Disabilities of Florida
Richard La Belle, Executive Director and member of the State HAVA Plan Committee

disAbility Solutions for Independent Living, Inc.
Julie Shaw, Executive Director and former Executive ADA Administrator, Governor's Working Group on the ADA

Updated 9/17/09