



**MIAMI-DADE COUNTY
FINAL OFFICIAL MINUTES
Mayor's Elections Advisory Group**

Stephen P. Clark Government Center
111 N.W. 1st Street
Miami, Florida 33128

December 14, 2012
As Advertised

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CLERK'S SUMMARY AND OFFICIAL MINUTES
MAYOR'S ELECTIONS ADVISORY GROUP
DECEMBER 14, 2012

The Mayor's Elections Advisory Group (EAG) convened at 9:00 a.m. on December 14, 2012, at the Stephen P. Clark Government Center, 111 NW 1 Street, Conference Rooms 18-3 & 4, Miami, Florida, 33128. The following members were present: Miami-Dade County Mayor Carlos Gimenez; Commissioners Lynda Bell, Sally Heyman and Rebeca Sosa; Ms. Alice Ancona, Mr. Kendall Coffey, Mr. Robert Fernandez, City of Miami Gardens Mayor Oliver Gilbert, III, Mr. Murray Greenberg, Ms. Lovette McGill, Ms. Gepsie Metellus, and Mr. C.J. Ortuno; (Members Commissioner Dennis Moss and Bishop Victor T. Curry were absent).

The following staff members were also present: Deputy Mayor Alina Hudak; Assistant County Attorneys Oren Rosenthal and Jess McCarty; Supervisor of Elections Penelope Townsley; Inson Kim, Lorna Mejia and Cristina Crespi, Office of the Mayor; and Deputy Clerk Mary Smith-York.

WELCOME

Miami-Dade County Mayor Carlos Gimenez welcomed Advisory Group members and others in attendance at today's meeting. He advised that the EAG had a very aggressive schedule in an effort to provide recommendations to the State of Florida during the formulation of its Legislative Package, in addition to making recommendations to the County. Mayor Gimenez noted he and members of the County Administration had a very productive meeting with the Secretary of State on Tuesday, December 11, 2012, in which the issues encountered during the last election were discussed.

Deputy Mayor Alina Hudak provided a brief overview of today's agenda package, including three items currently in the County's existing Legislative Package, and four additional items resulting from the EAG's first meeting, for review by this Group prior to being considered by the County Commission at its December 18, 2012 meeting. Ms. Hudak noted Commissioner Heyman distributed a memorandum to the EAG containing similar information; and legislative recommendations from Commissioner Monestime, correspondence from Congresswoman Frederica S. Wilson and the Mayor's response to her were also included in today's (12/14) agenda package.

**PROCESS AND RECOMMENDATIONS FOR THE COUNTY'S STATE
LEGISLATIVE PACKAGE**

Assistant County Attorney Oren Rosenthal presented the following Legislative Issue Requests as prioritized by the Administration.

1. Expansion of allowable facilities eligible for use as early voting sites:

Mr. Rosenthal explained that this request urged the Legislature to change the language in Section 101.657(1)(a) to allow that early voting be conducted in a place with proper

security protocols, giving the Supervisor of Elections the flexibility to choose where to conduct early voting and to preserve the language that ensured early voting sites were geographically distributed to prevent one area being favored over another.

Discussion ensued among EAG members regarding the County's ability to establish the number of early voting sites and to print ballots in only one language according to voter preference.

Commissioner Heyman asked that the proposed item be amended to include language providing that early voting sites must be easily accessible and have sufficient parking spaces.

Commissioner Sosa asked that this item also be amended to include language providing that early voting sites would be made accessible to voters with disabilities.

Pursuant to Ms. McGill's question as to whether increasing the number of allowable facilities eligible for use as early voting sites would have financial consequences, Mayor Gimenez confirmed that each additional site would cost approximately \$20,000 per day.

It was moved by Commissioner Heyman that the foregoing proposed request to expand the allowable facilities eligible for use as early voting sites be approved. This motion was seconded by Commissioner Bell, and upon being put to a vote, passed by a unanimous vote of those members present.

2. Reinstating the availability of early voting to 14 days:

Mr. Rosenthal explained that the second recommendation was in relation to reinstating early voting to 14 days, including the Sunday prior to the election. He said that it would maintain the eight days of early voting for special elections, and would only apply to Federal and State primary and general elections.

Following discussion, a straw vote was conducted on whether to a) expand early voting to two full weeks/14 days, lasting 8 hours per weekday and 12 cumulative hours on the two weekend days, or b) expand early voting to two full weekends plus five weekdays, for a total of nine days lasting 12 hours each day, resulting in a tie vote.

Assistant County Attorney Rosenthal reiterated that the request, as written, proposed that early voting days be reinstated to 14 days, including 8 hours per weekday and 12 cumulative hours on the two weekend days.

Mr. Ortuno pointed out that no singular cause could be identified for the long voting lines witnessed during the last election: the size of the ballot, access to early voting, early voting hours, and the enormous turn-out were all contributory factors. He said the system that was going to be put in place had to help as many people as possible exercise their constitutional right to vote.

Mayor Gimenez noted the EAG members had to balance how much convenience they wanted to provide to the voters versus how much it would cost.

Following further discussion, Mr. Rosenthal clarified that the recommendation would be to amend the law to change early voting from ending on the third day before the election to ending on the second day before the election, which would allow two full weekends plus five weekdays, for a total of nine days; and to retain the six to 12-hour window each day at the discretion of the Counties within that current nine-day period.

It was moved by Mr. Ortuno that the foregoing proposed recommendation be approved as read into the record by Assistant County Attorney Rosenthal. This motion was seconded by Commissioner Heyman, and upon being put to a vote, passed by a unanimous vote of those members present.

3. Limit ballot language for constitutional amendments to a maximum of 15 words for title and 75 words for ballot summary:

Assistant County Attorney Rosenthal explained that the intent of the foregoing proposed recommendation was to reverse the function of HB1355, which exempted the Legislature from several requirements regarding State Constitutional Amendments.

It was moved by Commissioner Heyman that the foregoing proposed recommendation be approved as presented. This motion was seconded by Commissioner Bell, followed by discussion.

Discussion ensued among EAG members regarding whether the 75-word limit would be applicable to all languages. Mr. Greenberg confirmed that a requirement that ballot language be limited to 75 words would apply to all languages.

Hearing no further questions or comments, the EAG members proceeded to vote on the foregoing motion which, upon being put to a vote, passed by a unanimous vote of those members present.

4. Extend the number of days that Supervisors of Elections are permitted to canvass absentee ballots:

Assistant County Attorney Rosenthal provided a brief overview of the foregoing proposed recommendation. He explained that this recommendation would extend the number of days that Supervisors of Elections were permitted to canvass absentee ballots from 15 to 20 days.

It was moved by Commissioner Heyman that the foregoing recommendation be approved as presented. This motion was seconded by Commissioner Bell, and upon being put to a vote, passed by a unanimous vote of those present.

5. Removal of the Executive Committeeman and Committeewoman races from the Primary Election ballot during a presidential year:

Assistant County Attorney Rosenthal explained that the foregoing proposed recommendation was not necessarily relevant to this Task Force; however, it was a legislative recommendation that had been made by the department for many years.

Ms. Townsley explained that the Elections Department had continuously requested that language pertaining to Executive Committeemen/women be removed from County ballots, since they were not considered actual candidates, and that including these questions increased the number of ballot styles.

Discussion ensued among Task Force members regarding alternative measures to including Executive Committeemen/women questions on the ballots and what level of priority should be assigned to this issue.

Assistant County Attorney McCarty recommended that the Task Force not consider this item a priority at this time. He noted that other non-prioritized issues were included in the County's Legislative Package and suggested that Item 5 be included among those issues.

It was moved by Ms. McGill that the foregoing proposed item be removed from the list of Legislative Priorities. This motion was seconded by Commissioner Heyman, and upon being put to a vote, passed by a unanimous vote of those members present.

6. Discontinuing the term "Absentee Ballot" and replacing it with "Vote by Mail:"

Assistant County Attorney Rosenthal explained that the purpose of the foregoing proposed item was to change the term "Absentee Ballot" in the State Statute to "Vote by Mail," which would more accurately reflect current practice.

It was moved by Mr. Ortuno that the foregoing item be approved as presented. This motion was seconded by Commissioner Heyman, followed by discussion.

Regarding Commissioner Sosa's question as to what type of control mechanism would be used to prevent fraud, Mr. Rosenthal advised that this recommendation was to change only the name; therefore, current procedures would remain in place.

In response to Miami Gardens Mayor Gilbert's question regarding whether this issue should be included as a priority, Miami-Dade Mayor Gimenez explained the importance of changing the existing connotation associated with "Absentee Ballots" that this type of voting was a privilege and not a right. With respect to Commissioner Sosa's suggestion that language requesting voters to return ballots early be included in this item, Mayor Gimenez noted that issue should be discussed during consideration of the After Action Report.

There being no further questions or comments, EAG members proceeded to vote; and upon being put to a vote, the motion to approve the foregoing item as presented passed by a unanimous vote of those members present.

7. Conduct Community Development District (CDD) Elections via mail ballots:

Assistant County Attorney Rosenthal summarized the intent of this proposal, noting it recommended that rather than including CDD elections in the General Elections, they be conducted via mail ballots. He suggested that the EAG members submit a legislative recommendation from the County.

Ms. McGill expressed concern with this recommendation limiting the ability to vote for CDD elections strictly to mail ballots.

Commissioner Bell explained that a Community Development District (CDD) was a self-taxing district within a community that elected its own government.

Commissioner Heyman noted she supported this concept; however, with the focus on election reform, voter rights and protections, she did not believe this was a priority.

Mayor Gimenez requested that Item 7 be included in the Legislative Package, along with Item 5, among the non-prioritized items.

Assistant County Attorney Rosenthal summarized today's proceedings and clarified that EAG members made the following recommendations during consideration of the seven recommendations proposed by the Administration:

Item 1- Early voting locations should be amended to include parking spaces, and that this recommendation should be included in the Legislative Package;

Item 2- Early voting times should be amended by changing the day on which early voting would end from the third day before the election to the second day before the election, which would allow two full weekends plus five weekdays, for a total of nine days, and the 6 to 12-hour window each day should be maintained;

Item 3- Reversal of the changes to the referendum to HB 1355 that would exempt the Legislature from several requirements regarding State Constitutional Amendments, should be recommended as proposed.

Item 4- Ballot canvassing should be extended from 15 to 20 days as proposed;

Item 5- Party Committees: EAG members took no action and deferred this item for the County Commission's determination as part of the Legislative Package;

Item 6- Discontinuing the term "Absentee Ballot" and replacing it with "Vote by Mail," should be recommended as proposed; and

Item 7-CDD Mail Ballots Elections: EAG members took no action and deferred this item to the County Commission to determine how to take this forward.

In response to Commissioner Sosa's inquiry as to whether her request to include an amendment to Item 1 regarding implementing an American with Disabilities Act (ADA) provision, Mr. Rosenthal noted he understood the request pertained to the parking issue.

Commissioner Sosa reiterated her proposed amendment to restore the flexibility to the Elections Department to accommodate voters with disabilities by allowing them access into the precinct and noted this language was acted upon by the EAG members.

Mr. Rosenthal accepted the correction and noted, for the record, that the amended language, as stated by Commissioner Sosa, would be incorporated into the recommendation.

DISCUSSION OF ADDITIONAL RECOMMENDATIONS

Referring to her memorandum, Commissioner Heyman recommended that it be submitted as an amendment to the twice deferred State Legislative Package for the County Commission meeting on Tuesday, December 18, 2012.

Deputy Mayor Hudak accepted Commissioner Heyman's recommendation and advised that the recommendations, as amended today, could be incorporated into a Substitute Agenda Item for the County Commission meeting.

Commissioner Heyman recommended that County Mayor Gimenez reach out to the Chair of the Dade Delegation and request that they file an "Election Reform Shell Bill" to ensure that these recommendations from this EAG were considered. She emphasized the importance of having the State pay for changes by placing them into Florida Statutes.

Mr. McCarty suggested that the EAG members extend an invitation to the Chair and members of the Dade Delegation to meet and discuss the creation of the "Shell Bill" proposed by Commissioner Heyman.

Commissioner Heyman noted she agreed with Mr. McCarty's suggestion and reminded EAG members of the need to pursue State funding on as many legislative issues as possible.

County Mayor Carlos Gimenez recognized Honorable Representative Jose Felix Diaz (DIST 116), Miami-Dade Legislative Delegation Vice Chairman, in attendance at today's meeting.

In response to Commissioner Sosa's suggestion that the commissioners, serving on this Task Force, sponsor a resolution imparting the recommendations approved today for discussion by the Full Board before incorporating them into the Legislative Package, Mr.

McCarty stated that this option was available. However, he advised that resolutions were being proposed by other commissioners, including Commissioner Monestime's resolution regarding early voting days, hours and sites.

Mr. Greenberg suggested that a representative of the County Attorney's Office present to Commissioner Monestime the recommendations proposed by the EAG for possible withdrawal or deferral of his resolution.

Mayor Gimenez advised that the EAG would generate a Final Report upon conclusion of its meetings which he hoped would coincide with the recommendations ultimately adopted by the County Commission.

Commissioner Heyman requested that the 2013 State Legislative Agenda Critical Priorities document submitted by Mr. Joe Rasco, Office of Intergovernmental Affairs Director, be amended to insert an additional item to the list entitled "Election Reform/Voter Rights" requesting support for the five recommendations approved by the EAG today. She stated that the other issues related to the Federal Legislative Agenda and local government should be bifurcated out and addressed at a later County Commission meeting.

Deputy Mayor Hudak advised that staff would present Commissioner Heyman's request in the Substitute Package and would present the related items sponsored by the other commissioners separately.

Discussion ensued among EAG members regarding the time period allowed for a person to request an Absentee Ballot. Mr. Rosenthal advised that State Election Law allowed a person to request an Absentee Ballot in person up to 7:00 p.m. on Election Day; however, the ballot could not be submitted after 7:00 p.m.

Commissioner Heyman expressed concern that Absentee Ballots could only be accepted at two locations – the Election Headquarters in Doral and the Government Center, Downtown Miami – in such a large County. She questioned whether the State or the County had the authority to designate locations to accept Absentee Ballots.

Mr. Rosenthal stated that the County possessed the authority to position a person outside any precinct for the purpose of accepting Absentee Ballots; however, no person could accept Absentee Ballots inside a precinct. In response to Commissioner Heyman's inquiry as to whether a person could be posted at each election precinct to collect Absentee Ballots on Election Day, Mr. Rosenthal noted the canvassing process could be delayed during the transporting of the ballots from far reaching precincts to election headquarters. He noted, however, that would not require a change in State Law.

Mayor Gimenez stated that the only way to count Absentee Ballots faster was to implement technology for signature verification and other vital processes. He noted that issue would be addressed further in staff's After Action Report.

Miami Gardens Mayor Gilbert questioned whether changing the title of ‘Absentee Ballot’ to “Vote by Mail Ballot” was appropriate, noting this might convey the misconception that the ballot could be voted by mail only.

Discussion ensued among EAG members concerning the need to periodically update voters’ signatures in the system and the need to address the changes in elderly voters’ ability to write.

Ms. McGill explained the Election Department’s process for addressing signature changes when a voter requested an Absentee Ballot, and suggested that the Community Groups assist in the effort to ensure elderly voters’ signatures were updated in the system.

In response to Ms. Metellus’ question regarding the issue of the voters’ actual names being changed, which was prevalent in the Haitian community, Mayor Gimenez noted that issue could be discussed during consideration of the After Action Report.

Commissioner Bell noted she concurred with Ms. McGill’s suggestion that the community be responsible for addressing some of the issues related to elections. She recommended that a form accompany the new voters’ registration cards when mailed out, requesting the voter to sign and return the form if his/her signature had changed.

Ms. Townsley noted a message appeared on the back of the current voters’ registration card that encouraged voters to update their signatures at least every four years.

In response to Commissioner Heyman’s inquiry regarding whether it was necessary to print ballots in all three languages, Mr. Rosenthal noted State Law did not prohibit ballots from being printed in one language. He stated Federal Law required that ballots be provided in the Hispanic language, and issued guidelines that recommended the County pre-confirm with them whether the ballots would be split into three languages. Mr. Rosenthal said he believed it was legal to split the ballot up, noting Ms. Townsley was in the best position to determine the practicality of that process. He stated the Department of Justice had found that the anonymity of the vote would be jeopardized in the event a precinct had only one voter for a specific language.

STATUS OF AFTER ACTION REPORT

- Early Voting
- Absentee Voting
- Election Day

In response to Mayor Gimenez’ request for the status of the After Action Report, Ms. Penelope Townsley, Supervisor of Elections, noted the report would be provided before the next EAG meeting.

In response to Commissioner Bell’s inquiry regarding the appropriate time to make additional recommendations, Mayor Gimenez requested additional recommendations be made after receipt of the After Action Report.

CLOSING REMARKS AND NEXT STEPS

Commissioner Heyman requested that an item be placed on the agenda of the next Elections Advisory Group meeting to obtain remarks by the Miami-Dade Legislative Delegation Chair.

Discussion ensued among EAG members regarding what date/time the next EAG meeting should be held. Ms. Townsley confirmed that the After Action Report would be provided to EAG members by close of business Monday, December 17, 2012.

Mayor Gimenez announced that the EAG would convene its next meeting on December 19, 2012 at 9:30 a.m.

ADJOURNMENT

There being no further business to come before the Mayor's Elections Advisory Group, the meeting adjourned at 11:13 a.m.



Mayor Carlos Gimenez, Chair
Mayor's Elections Advisory Group