

Memorandum



Date: May 9, 2012

To: Honorable Chairman Joe A. Martinez and Members
Board of County Commissioners

From: Carlos A. Gimenez
Mayor

A handwritten signature in black ink, appearing to read "Carlos A. Gimenez", written over a horizontal line.

Subject: State of Florida Division of Elections New Process for Identifying
Potential Non-Citizen Registered Voters

Attached for your review is a memorandum from Penelope Townsley, Supervisor of Elections in reference to a new process developed by the State of Florida Division of Elections for identifying potential non-citizen registered voters and the role of the Elections Department. Please be assured that the Elections Department is implementing the necessary steps to ensure voter's rights are being protected.

Should you require any additional information, please contact me directly or Penelope Townsley at 305-499-8507.

Attachment

c: Alina T. Hudak, Deputy Mayor/County Manager
R.A. Cuevas, Jr., County Attorney
Penny Townsley, Supervisor of Elections

Memorandum



Date: May 9, 2012

To: Carlos A. Gimenez
Mayor

From: Penelope Townsley
Supervisor of Elections

Subject: State of Florida Division of Elections New Process for Identifying
Potential Non-Citizen Registered Voters

Several weeks ago, the State of Florida Division of Elections (DOE) implemented a new process for identifying potential non-citizen registered voters throughout the state in an effort to ensure the statewide voter registration system is accurate and only eligible voters are able to cast a ballot.

The DOE is using databases maintained by Immigration and Customs Enforcement (ICE) and the Department of Highway Safety and Motor Vehicle (DMV) to cross-check and verify citizenship of registered voters. Throughout this process, it is the DOE who will make a determination on who they believe to be a non-citizen registered voter as a result of the information they obtain. They will subsequently provide each Supervisor of Elections with a list of potential non-citizens registered in their county.

The Miami-Dade Elections Department, and all other Elections Departments in the state, will serve as the entity that notifies these voters of their potential ineligibility. Within seven (7) days from receiving a list of voters, we are required to mail a certified letter to the voter requesting proof of citizenship. The voter then has thirty (30) days to provide our office with qualified proof. Those individuals who provide the required documentation within a timely manner will remain as active voters. Those who we can confirm received notification, but did not provide the necessary documentation within the 30 days will be removed from the voter registration system. Any voter whose notification is returned undeliverable will be placed in a legal advertisement in a newspaper of general circulation in English, Spanish and Creole. If the necessary documentation is not received within 30 days of the date the ad is published, the voter will be removed from the voter registration system.

While this may cause the Department some hardship logistically since this is an unexpected new process at the start of a busy election cycle, the procedures themselves are not new. This process is set forth in Florida Statute 98.075 and Rule 1S-2.041 for the removal of ineligible registered voters and is consistent with how we have been handling voters that the DOE believes to be ineligible for other reasons such as a person being felon, deceased, or mentally incapacitated.

We have received approximately 1,700 names thus far, in three batches. By the end of this week, we will have notified each voter of their potential ineligibility and will proceed according to the outcome of these notifications. The DOE has indicated that additional lists may be provided as they continue with this process.

Honorable Carlos A. Gimenez
Mayor
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Throughout this notification process, any Miami-Dade County voter who is a non-citizen will be reported to the Miami-Dade County State Attorney's Office. We have already begun to do so. Their office will determine how to proceed with investigation.

Historically, when a voter registers to vote, they are asked to affirm under oath if they are a US citizen. If the voter indicates that they are, and assuming eligibility otherwise, they are registered to vote. This remains in place. However, with the new process that has been developed, potential non-citizens will be identified and if proof of citizenship is not provided, they will be removed.

This has garnered media attention here in Miami-Dade and in other Florida counties, so I wanted to ensure you were appropriately informed as to the impetus of these reports and the role we play in this new process as established by the Division of Elections.

We have been more than happy to provide the media with information related to this topic to educate our voters and have taken this as an opportunity to remind voters that the Primary Election is scheduled for August 14, 2012, and that all eligible residents should be registered, know their party affiliation, and that voting has never been easier with three convenient ways to vote.

Should you have any questions or require additional information, please feel free to contact me at 305-499-8507.

c: Alina T. Hudak, Deputy Mayor/County Manager