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

MEMORANDUM

Agenda Item No. 11(A)(18)

TO:	Honorable Chairwoman Audrey M. Edmonson and Members, Board of County Commissioners	**DATE**:	August 31, 2020
FROM:	Abigail Price-Williams County Attorney	**SUBJECT:**	Resolution urging President Donald J. Trump and the United States Congress to take all measures within their powers to ensure that no federal law or policy is enacted that will negatively affect the ability of citizens to exercise their right to vote or hinder the ability of elections officials to accurately count all valid votes for the November 2020 General Election; and authorizing the County Attorney to pursue certain litigation

Resolution No. R-882-20

The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Dennis C. Moss and Co-Sponsor Chairwoman Audrey M. Edmonson.

Abigail Price-Williams
County Attorney

APW/uw

MEMORANDUM

(Revised)

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

DATE: August 31, 2020

FROM: Abigail Price-Williams
County Attorney

SUBJECT: 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**
_____	**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)(18)
8-31-20

RESOLUTION NO. R-882-20

RESOLUTION URGING PRESIDENT DONALD J. TRUMP AND THE UNITED STATES CONGRESS TO TAKE ALL MEASURES WITHIN THEIR POWERS TO ENSURE THAT NO FEDERAL LAW OR POLICY IS ENACTED THAT WILL NEGATIVELY AFFECT THE ABILITY OF CITIZENS TO EXERCISE THEIR RIGHT TO VOTE OR HINDER THE ABILITY OF ELECTIONS OFFICIALS TO ACCURATELY COUNT ALL VALID VOTES FOR THE NOVEMBER 2020 GENERAL ELECTION; AND AUTHORIZING THE COUNTY ATTORNEY TO PURSUE CERTAIN LITIGATION

WHEREAS, voting is one of the nation's most fundamental rights, a hallmark of American democracy, and a core aspect of citizenship; and

WHEREAS, however, at the time this country was created and for many years thereafter, only white men were permitted to vote; and

WHEREAS, although the 15th Amendment gave Black men the right to vote in 1870, many barriers were imposed, which largely nullified such right, particularly in certain areas of the country; and

WHEREAS, similarly, when the 19th Amendment was ratified in 1920, women were entitled to vote, however, at that time, such entitlement failed to provide a meaningful opportunity for a massive number of women to exercise said right; and

WHEREAS, although the supreme law of the land, the United States Constitution, authorized women and men with the right to vote by 1920, myriad people were prevented from exercising such right until decades later; and

WHEREAS, specifically, poll taxes, literacy tests, and other voter suppression tactics, were intentionally used to deny individuals their right to vote; and

WHEREAS, additionally, there were other bars such as physical barriers, that prevented individuals from voting; and

WHEREAS, the United States Congress enacted legislation to combat discrimination and voter suppression; and

WHEREAS, for instance, such legislation includes, but is not limited to:

1. the Voting Rights Act of 1965, which prohibited voter discrimination based on race, color, or membership in a language minority group and also required certain locations to provide election materials in languages besides English;
2. the Voting Accessibility for the Elderly and Handicapped Act of 1984, which required polling places to be accessible to people with disabilities;
3. the Uniformed and Overseas Citizens Absentee Voting Act of 1986, which allowed members of the United States armed forces and overseas United States voters to register and vote by mail;
4. the National Voter Registration Act of 1993, which created new ways to register to vote; and
5. the Help America Vote Act of 2002 ("HAVA"), which authorized federal funds for elections and created the United States Election Assistance Commission, an entity that helps states comply with HAVA; and

WHEREAS, the Constitutional amendments, along with federal, state, and local legislation, were implemented to create a framework to afford every eligible voter the opportunity to exercise their right to vote in federal, state, and local elections; and

WHEREAS, as November 3, 2020, the date of the 2020 General Election, approaches, bipartisan concerns about voter suppression are being raised across the nation; and

WHEREAS, countless people have decried recent policy changes announced by the United States Postal Service ("USPS") that could affect its capacity and delivery of vote-by-mail ballots as an attempt to disenfranchise voters; and

WHEREAS, said policy changes include, but are not limited to, eliminating overtime for mail carriers, reducing post office hours, dismantling mail sorting machines, and removing or locking postal boxes; and

WHEREAS, additionally, recently, the USPS sent letters to states throughout the nation, including Florida, warning that it may not be able to deliver ballots in time for them to be counted for the November 2020 General Election; and

WHEREAS, such changes on their own would be a matter of concern, but are extremely troubling because they are coupled with and are occurring while the nation is attempting to navigate and survive the challenges caused by the coronavirus disease 2019 ("COVID-19") pandemic; and

WHEREAS, the rapid spread of COVID-19 in Miami-Dade County and across the country has the potential to create difficulties for voters to cast their vote in the November 3, 2020 General Election, whether it be at an early voting location or an election day polling place; and

WHEREAS, to limit the spread of COVID-19, medical experts throughout the nation and world have encouraged people to use masks, discouraged large groups of people from gathering, and suggested implementation of measures to ensure social distancing; and

WHEREAS, it is critical that voters are provided with varied opportunities to vote, such as voting by mail, which is a well-established voting method, that would not put them at further risk of contracting COVID-19; and

WHEREAS, it is imperative that the fundamental right to vote is protected for all people who are entitled to vote; and

WHEREAS, to that end, the Miami-Dade County Board of Commissioners and the Miami-Dade County Elections Department strive to implement policies that enable all eligible voters to exercise their right to vote in a safe and secure manner; and

WHEREAS, this Board urges the President and Congress to take all measures within their powers to ensure that citizens may exercise their right to vote and that votes cast are counted,

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

Section 1. Urges President Donald J. Trump and the United States Congress to take all measures within their powers to ensure that no federal law or policy is enacted that will negatively affect the ability of citizens to exercise their right to vote or hinder the ability of elections officials to accurately count all valid votes for the November 3, 2020 General Election.

Section 2. Directs the Clerk of the Board to transmit certified copies of this resolution to President Donald J. Trump and the members of the Florida Congressional Delegation.

Section 3. Directs the County's federal lobbyists to advocate for the legislative action set forth in section 1 above, and authorizes and directs the Office of Intergovernmental Affairs to amend the 2020 Federal Legislative Package to include this item and to include this item in the 2021 Legislative Package when it is presented to the Board.

Section 4. Authorizes the County Attorney to proceed with litigation that the County Attorney deems necessary to challenge any change in federal law or policy that will negatively affect the ability of citizens to exercise their right to vote or hinder the ability of elections officials to accurately count all valid votes for the November 3, 2020 General Election.

The Prime Sponsor of the foregoing resolution is Commissioner Dennis C. Moss and the Co-Sponsor is Chairwoman Audrey M. Edmonson. It was offered by Commissioner **Rebeca Sosa**, 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:

Audrey M. Edmonson, Chairwoman	**aye**		
Rebeca Sosa, Vice Chairwoman	**aye**		
Esteban L. Bovo, Jr.	**aye**	Daniella Levine Cava	**aye**
Jose "Pepe" Diaz	**aye**	Sally A. Heyman	**aye**
Eileen Higgins	**aye**	Barbara J. Jordan	**aye**
Joe A. Martinez	**absent**	Jean Monestime	**aye**
Dennis C. Moss	**aye**	Sen. Javier D. Souto	**aye**
Xavier L. Suarez	**aye**		

The Chairperson thereupon declared this resolution duly passed and adopted this 31st day of August, 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: **Melissa Adames**
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.

Shanika A. Graves