

RESOLUTION NO. _____

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI, FLORIDA, URGING THE FLORIDA STATE LEGISLATURE TO EXEMPT FROM PUBLIC RECORDS DISCLOSURE ABSENTEE BALLOT REQUESTS AND PERSONAL INFORMATION INCLUDED ON SUCH REQUESTS; PROVIDING FOR AN EFFECTIVE DATE AND ALL OTHER PURPOSES.

WHEREAS, absentee ballot requests are generally confidential and exempt from public disclosure pursuant to section 101.62, Florida Statutes; and

WHEREAS, section 101.62, however, provides that certain persons and entities may obtain and use absentee ballot requests for political purposes, including:

- Political parties and party officials;
- Registered political committees;
- Committees of continuous existence;
- Candidates who have filed qualification papers and are opposed in an upcoming election;
- Election officials;
- Canvassing boards;
- The voter, who is only entitled to access his or her own absentee ballot request information; and

WHEREAS, section 101.62 requires each Supervisor of Elections to update and make available information on absentee ballot requests no later than 8 a.m. of each day, including weekends, beginning 60 days before the primary election until 15 days after the general election; and

WHEREAS, section 101.62 also requires each Supervisor of Elections to transmit to the State Division of Elections absentee ballot request information on a daily basis; and

WHEREAS, Rule 1S-2.043, Florida Administrative Code, sets forth in detail the electronic format to be used for Supervisors of Elections to provide absentee ballot request information to the State Division of Elections; and

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WHEREAS, Rule 1S-2.043 requires that each absentee voter's record include the voter's name, address to which the voter has requested the absentee ballot to be sent, phone number, email address if provided, party affiliation and precinct, with certain limited exceptions such as for law enforcement; and

WHEREAS, candidates, political committees, political parties and committees of continuing existence immediately can learn which voters have requested an absent ballot by making public records requests for this information either to a Supervisor of Elections or to the State Division of Elections; and

WHEREAS, the State Division of Elections posts absentee ballot request information by county on its website, and candidates, political committees, political parties and committees of continuing existence can access such information on a daily basis once the State Division of Elections assigns them a user name and password; and

WHEREAS, candidates, political committees, political parties and committees of continuing existence then can contact voters who have made an absentee ballot request; and

WHEREAS, information on a voter's decision whether to vote by absentee ballot, by early voting or on the day of the election should not be subject to ready access by these groups and individuals; and

WHEREAS, Miami-Dade County recently has experienced examples of alleged absentee ballot fraud; and

WHEREAS, exempting from public disclosure absentee ballot requests and personal information included on absentee ballot requests would be an important step in curbing absentee ballot fraud; and

WHEREAS, the Mayor and City Council believe that legislation exempting from public records disclosure absentee ballot requests and personal information included on absentee ballot will protect personal records and reduce significantly absentee ballot fraud.

NOW THEREFORE, BE IT DULY RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI, FLORIDA:

Section 1. **Recitals.** The recitals in the whereas clauses are true and correct, and are hereby ratified and confirmed by the Mayor and City Council.

Section 2. **Mayor and City Council Support.** The Mayor and City Council of the City of North Miami, Florida, hereby urge the Florida State Legislature to exempt from public records disclosure absentee ballot requests and personal information included on absentee ballot requests.

Section 3. **Directions to City Clerk.** The City Clerk is hereby directed and authorized to send a copy of this resolution to Governor Rick Scott, and to all State Representatives, State Senators, the presiding Officers and Council members of the municipalities in Miami-Dade County, and the Supervisors of Elections in Florida's 67 counties.

Section 2. **Effective Date.** This resolution shall become effective immediately upon adoption.

PASSED AND ADOPTED by a _____ vote of the Mayor and City Council of the City of North Miami, Florida, this _____ day of October, 2012.

ANDRE D. PIERRE, ESQ.
MAYOR

ATTEST:

MICHAEL A. ETIENNE, ESQ.
CITY CLERK

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY:

REGINE M. MONESTIME
CITY ATTORNEY

SPONSORED BY: CITY ADMINISTRATION

Moved by: _____

Seconded by: _____

Vote:

Mayor Andre D. Pierre, Esq.	_____	(Yes)	_____	(No)
Vice Mayor Marie Erlande Steril	_____	(Yes)	_____	(No)
Councilperson Michael R. Blynn, Esq.	_____	(Yes)	_____	(No)
Councilperson Scott Galvin	_____	(Yes)	_____	(No)
Councilperson Jean R. Marcellus	_____	(Yes)	_____	(No)