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3 **RESOLUTION 2012-42**
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5 **RESOLUTION OF THE VILLAGE COMMISSION**
6 **OF THE VILLAGE OF BISCAYNE PARK IN**
7 **SUPPORT OF EARLY VOTING, URGING ALL**
8 **FLORIDA SUPERVISORS OF ELECTION TO**
9 **MAXIMIZE OPPORTUNITIES FOR VOTER**
10 **PARTICIPATION IN EARLY VOTING; PROVIDING**
11 **FOR AN EFFECTIVE DATE**
12

13 WHEREAS, “government by the people” and the right to vote are cornerstones of
14 United States democracy; and,
15

16 WHEREAS, the Voting Rights Act, signed into law by President Lyndon B. Johnson in
17 1965, is landmark legislation that outlaws discriminatory voting practices and establishes
18 federal oversight of amendments to elections administration in jurisdictions with a history of
19 discriminatory voting practices (referred to as “Sec. 5 Preclearance”); and,
20

21 WHEREAS, due to voting irregularities, 5 of Florida’s 67 counties are subject to Sec. 5
22 Preclearance by the Department of Justice or a three-judge panel of the U.S. District Court for
23 the District of Columbia, pursuant to Voting Rights Act of 1965; and,
24

25 WHEREAS, early voting in Florida was enacted in 2005, and provided for ballots to be
26 cast prior to Election Day at locations designated by the supervisors of elections for a period of
27 14 days, beginning on the 15th day before an election and ending on the 2nd day before that
28 election (including 3 weekend dates), with a total of 96 hours of early voting; and,
29

30 WHEREAS, amendments to Florida’s elections laws enacted in 2011 (the “2011
31 Amendments”), affect voter access by limiting opportunities for early voting to a maximum of
32 8 days, eliminating 2 weekend days leaving only 1 as an early voting weekend date, and
33 authorizing 67 county Supervisors of Elections discretion to determine the number of hours
34 (between 48 and 96 hours) for early voting sites in each county; and,
35

36 WHEREAS, the U.S. District Court for the District of Columbia conducting a Sec. 5
37 Preclearance review of the 2011 Amendments and issued its Opinion on August 16, 2012,¹ in
38 part finding that “. . . minority voters disproportionately use early in-person voting, and
39 therefore will be disproportionately affected by the changes in early voting procedures,” and
40 finding that Florida is unable to rebut the witnesses and “commonsense judgment that a
41 dramatic reduction in the form of voting that is disproportionately used by African Americans
42 would make it materially more difficult for some minority voters to cast a ballot.”
43

44 WHEREAS, efforts to limit voter registration, the purging of voter rolls, and
45 restrictions on early voting historically result in a negative impact, suppressing the votes of
46 disenfranchised groups, including working individuals who cannot take time off from work or

¹ *State of Florida v. United States of America, et al.*, United States District Court for the District of Columbia, Civil Action No. 11-1428, August 16, 2012, ECF No. 149.

1 whose schedules lack flexibility, the elderly, students, people with disabilities, and low-income
2 individuals, many of who do not have easy transportation to polls; and,
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4 WHEREAS, the public has a general expectation that election officials are responsible
5 for promoting voter turnout through outreach and education;² and,
6

7 WHEREAS, the Commission of the Village of Biscayne Park (“Village”) advocates for
8 the right to vote as a fundamental right of citizenship, supports access to voting and encourages
9 its citizenry so that all persons wishing to vote may be afforded every meaningful opportunity
10 to do so; and,
11

12 WHEREAS, early and advance voting options, which include allowing for additional
13 days during which voters may go to the polls at designated locations in advance of Election
14 Day accommodate an increased number of potential voters and benefit all, especially
15 individuals with inflexible family, employment and life obligations.
16

17 NOW, THEREFORE, BE IT RESOLVED BY THE VILLAGE COMMISSION OF
18 THE VILLAGE OF BISCAYNE PARK, FLORIDA:
19

20 **Section 1:** That the above recitals are true and correct and are incorporated herein by
21 this reference.
22

23 **Section 2:** The Village supports early and advance voting, as a measure of protecting
24 the fundamental right of all voters from diminishment and unwarranted restrictions to voting.
25

26 **Section 3:** The Village urges all Florida Supervisors of Elections to schedule early
27 voting and select early voting sites to allow the maximum number of days, hours and
28 accessible locations to promote increased voter participation.
29

30 **Section 4:** That the Village Clerk is directed to transmit a copy of this resolution to the
31 Florida Secretary of State, Supervisors of Elections, Clerk of the Miami Dade County Board of
32 County Commissioners, the Florida League of Cities, Inc., the Miami Dade County League of
33 Cities, and other agencies as deemed appropriate.
34

35 **Section 5:** That this resolution shall be effective immediately upon adoption by
36 majority vote of the Commission of the Village of Biscayne Park, Florida.
37

38
39 PASSED AND ADOPTED this 11th day of September, 2012.
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² *Institute of Public Policy Truman Policy Research*, Harry S. Truman School of Public Affairs, “Public Attitudes on State Election Administration, Goals, and Reforms” (Konisky and Powell 2009).

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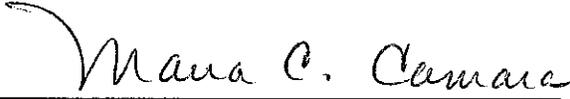


Noah Jacobs, Mayor

The foregoing resolution upon being
put to vote, the vote was as follows:

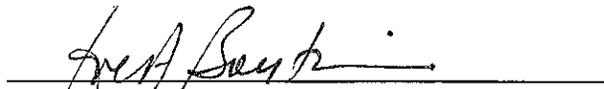
Mayor Jacobs: Yes
Vice Mayor Ross: Yes
Commissioner Anderson: Yes
Commissioner Cooper: Yes
Commissioner Watts: Yes

Attest:



Maria C. Camara, Village Clerk

Approved as to form:



Village Attorney