



April 23, 2024

Rafael E. Granado, City Clerk
City of Miami Beach
Office of the City Clerk
1700 Convention Center Drive, Suite 200
Miami Beach, FL 33139

Dear Rafael:

As a follow up to previous conversations with your Charter Review Task Force and your office, this letter serves as a formal request for the City of Miami Beach to consider rescheduling their election dates to provide for four weeks between the regularly scheduled General and Run-Off Elections.

More specifically, this request is for all three cities who share the same schedule (Miami Beach, Miami, and Hialeah) to adopt the dates prescribed by the City of Homestead for their regularly scheduled election, which would mean your General Election will be held on the first Tuesday in October in odd years and your Run-Off Election held on the first Tuesday in November in odd years. Changing the election dates will benefit the Elections Department in our ability to seamlessly conduct your election, and your voters, as well as candidates, as it provides additional time. The two-week turnaround as currently scheduled was designed for a time when elections were conducted exclusively on Election Day with no Early Voting or Vote by Mail. Now that modern-day elections include Early Voting, Vote by Mail, and significant post-election requirements, a two-week turnaround creates a significant burden on all parties.

As you know, there are many steps involved in preparing for an election, all of which must be done in a matter of days to conduct a Run-Off Election within two weeks. Below are just a few:

- The General Election results cannot be certified until we have completed our post-election procedures internally and the canvassing board has completed the review of cure affidavits received for vote-by-mail ballots that had a signature deficiency as well as provisional ballots. This occurs on the Friday after your election due to statutory deadlines. This is already 3 days into the time allotted.
- Only then can the Department begin coding, proofing, and testing three different voting systems (optical scan, express vote, and the accessible "enhanced ballot" system required for our voters with disabilities).
- Only then can we send the ballot for printing. This now takes longer than in the past as we print ballots by precinct, increasing the number of unique ballot variations.

- Then we can begin processing vote-by-mail ballots for mailout to your voters.
- Separately, we must reset, reprogram, and retest all election equipment.
- Conduct the state-mandated Logic and Accuracy Test (L&A).
- Set up and conduct Early Voting.
- Deliver Election Day equipment before the Monday setup.
- The functions stated above would be further delayed should a recount be called from the General Election.

As illustrated above, many of these functions must be performed in sequence and with zero tolerance for error.

With new laws and subsequent procedural changes, it has become a tremendous challenge to perform the state-mandated procedures within the confines of a two-week timeframe between elections. Given this constraint, the Elections Department strongly urges your municipality to consider holding the General and Run-Off Elections four weeks apart. The additional timeframe proposed will allow the Department to adequately prepare for your Run-Off Election.

The concern for voters is primarily related to those who opt to vote by mail. The short period that currently exists between elections may prevent voters from being able to successfully return their voted ballot to our office by the state-mandated deadline.

For your 2023 Run-Off Election, we mailed ballots on November 11th. The deadline for return was November 21st at 7 p.m. This provided eight (8) days of mail delivery.

This has become more of a concern in recent years because the USPS has set new service standards, thereby increasing delivery times. Per information from the USPS:

- Local 1st class mail can take up to 3 days each way
- Out of state 1st class mail can take up to 5 days each way

In the current model, the window is very short and may not provide voters adequate time to receive, vote, and return their ballots by 7:00 p.m. on Election night. When a ballot is received after 7:00 p.m. on Election Day, it must be rejected by law.

In your 2023 Run-Off Election, more than 8% or 368 of the 4,419 voters who submitted a vote-by-mail ballot had their votes rejected due to late returns. Expanding the timeframe between elections will afford voters sufficient time to review their ballot, complete it, and then mail it back by the deadline.

As for candidates, we have also heard it is difficult for them to conduct outreach to voters in such a short time frame, relying heavily on the Elections Department for data that is simply not ready for release to the public until post-election verification procedures are complete and the election is certified.

With these factors in mind, I believe everyone benefits from providing a modest amount of additional time between elections. Therefore, I strongly encourage you to follow the recommendation to provide four weeks between your General and Run-Off Elections and ask that your City Commission consider amending the election dates in time for the 2025 election cycle.

For reference, this is an excerpt from the city of Homestead's Charter. This is the model that we would like Miami Beach, Miami, and Hialeah to adopt so all four cities are on the same calendar:

Sec. 6.01. - Elections.

Regular election dates. A primary election shall be held in each odd-numbered year, on the first Tuesday in October. A general election shall be held in each odd-numbered year on the first Tuesday in November.

Below is a statute that may assist you should your City Commission opt to change the dates. This is an option that many municipalities have exercised in the past:

- Florida Statute 101.75(2), states that "the date of the municipal election shall be set by the municipality by ordinance."

Should your City Commission opt to pose this question to your voters, please keep in mind that the deadline to submit your finalized ballot language to our office for the November 5, 2024 General Election is Friday, July 26, 2024.

Because each municipal charter contains different wording as to the description of Run-Off Elections, we understand that any proposed language will likely be specific to each municipality and prepared by its respective municipal attorney.

If you would like to have any draft language prepared by your municipal attorney(s) be reviewed by Miami-Dade County to ensure that it addresses the concerns of the Elections Department, your municipal attorney(s) can directly contact Michael Valdes at the Miami-Dade County Attorney's Office (michael.valdes@miamidade.gov or 305-375-5620) for follow-up.

Please note we analyzed the option of leaving the General Election on its currently scheduled date and moving the Run-Off Election out two additional weeks. I have a difficult time recommending this as a viable option. In 2025, and beyond, this places the Run-Off Election on the Tuesday following Thanksgiving with Early Voting occurring on Thanksgiving weekend. Other factors to consider:

- This would negatively impact voter participation during Early Voting.
- It creates the scenario again where voters may potentially return their vote-by-mail ballot too late (if traveling).

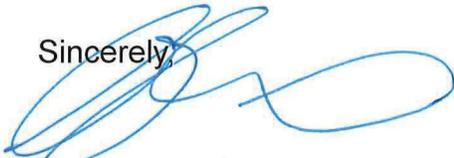
- It will be difficult to staff Early Voting locations over the holiday, including municipal staff needing to be available for the opening and closing of Early Voting on the holiday weekend.
- Limited access to polling places for the Run-Off Election equipment delivery. This occurs the latter part of the week before the election, directly overlapping with Thanksgiving.
- Candidates having to campaign over the holiday.

In my view, this would solve some challenges and create others. Therefore, the October/November election schedule is best for all parties involved, allowing for seamless election preparation, greater voter participation, and less strain on your candidates.

I know we share a common goal to ensure that your elections continue to be fair, accurate, transparent, and accessible. This will help to ensure this moving forward.

Please let me know if I can offer additional assistance or information as you review this recommendation. Should you have any questions or concerns, please feel free to contact me directly at 305-499-8509.

Sincerely,



Christina White
Supervisor of Elections
Miami-Dade Elections Department