

R9 AC DISCUSS WHETHER THE CITY CHARTER SHOULD BE AMENDED TO PROVIDE FOR EVEN-YEAR ELECTIONS.

Applicable Area:

MIAMI BEACH

COMMISSION MEMORANDUM

TO: Honorable Mayor and Members of the City Commission

FROM: City Clerk Rafael E. Granado
City Attorney Ricardo J. Dopico

DATE: July 24, 2024

TITLE: DISCUSS WHETHER THE CITY CHARTER SHOULD BE AMENDED TO PROVIDE FOR EVEN-YEAR ELECTIONS.

ANALYSIS

On March 13, 2024, and at the request of Commissioner Kristen Rosen Gonzalez, the City Commission referred a discussion to the Public Safety and Neighborhood Quality of Life Committee and the Ad Hoc Advisory Charter Review and Revision Board regarding potential amendments to the City Charter to facilitate even-year elections. See the Commission Memorandum attached as Exhibit 1 – Item C4 S / March 13, 2024.

The proposal stems from concerns by Commissioner Rosen Gonzalez about low voter turnout during odd-numbered years, particularly during local elections for the Mayor and Commissioners. Commissioner Rosen Gonzalez notes that turnout often falls below 20% of the electorate, resulting in elected officials being chosen by a minority of eligible voters. In contrast, she states that even-numbered years elections typically have a significantly higher voter turnout, often double that of odd-numbered years.

Commissioner Kristen Rosen Gonzalez has suggested exploring the possibility of amending the City Charter to allow for even-year elections, aiming to encourage greater participation from the City's electorate. To initiate this process, she proposes to submit a non-binding, straw ballot question to the voters, seeking their input on whether the City should formally pursue such amendments. Final approval of any required Charter changes would be subject to voter approval in a subsequent Citywide referendum.

Even-Numbered Year Elections

The Office of the City Clerk consulted with the Supervisor of Elections, Christina White, regarding Commissioner Rosen Gonzalez's proposal to align Miami Beach's General and Run-Off Elections with even-numbered years. Below are the responses provided by Christina White to the questions posed:

Question: Commissioner Rosen Gonzalez has expressed interest in exploring the possibility of aligning our municipal elections with even-numbered years. Is there flexibility in determining the timing of these elections?

Response: If the City decides to shift to even-year elections, it must coincide with the August and November dates set by Florida Statute for regularly scheduled Countywide elections. Candidate qualifying deadlines would also need alignment with statutory requirements, allowing no flexibility in election timing.

Question: Would transitioning to even-numbered years for municipal elections lead to significant cost savings for the City?

Response: Transitioning to standalone even-year elections would not result in cost savings, as the City bears all expenses associated with conducting its election. However, piggybacking on the County calendar (August/November dates) could lead to savings.

Question: What insights or recommendations do you have regarding the potential benefits or hindrances associated with such a change?

Response: Consolidating onto a Countywide election would increase voter participation, reduce costs for the City, and entail oversight and certification by the County Canvassing Board. The Supervisor of Elections would handle all election matters, excluding candidate-related responsibilities of the Office of the City Clerk.

Attached as Exhibit 2 are Supervisor White's full responses to these questions posed.

Charter Review Board

At the March 4, 2024, Ad Hoc Advisory Charter Review and Revision Board (Charter Review Board) meeting, Commissioner Kristen Rosen Gonzalez addressed the proposed shifting of the City's odd-numbered year elections for Mayor and Commissioners to even-numbered years.

After deliberations, the Board decided against recommending this change and instead opted to retain the City's odd-numbered year elections but recommended that the City accommodate the Miami-Dade County Supervisor of Elections' request to reschedule its election dates in odd-numbered years to allow for at least four weeks between the General and Run-Off Elections. Supervisor White has requested the three cities that currently share the odd-numbered November General Election/Run-Off schedule (Miami Beach, Miami, and Hialeah) to adopt this change.

As explained by Supervisor White during her appearance before the Charter Review Board on January 9, 2024, and again in Supervisor White's letter of April 23, 2024, the current two-week turnaround between the General Election and Run-Off Election was designed for a time when elections were conducted exclusively on Election Day with no Early Voting or Vote-by-Mail. Now that elections include Early Voting, Vote-by-Mail, and significant post-election requirements, a two-week turnaround creates a significant burden on all parties. Attached as Exhibit 3 is the formal request from Christina White, Supervisor of Elections, requesting the change in date for odd-numbered year elections.

Following her April 23, 2024 letter, Supervisor of Elections White informed the City Clerk of her willingness to accept two possible adjustments to the City's odd-year election schedule:

- Option 1 - Schedule municipal elections in an October/November cycle, where the General and Run-Off Elections are spaced four weeks apart; or
- Option 2 – Schedule municipal elections in a November/December cycle, with the General and Run-Off Elections spaced five weeks apart. See Exhibit 4 - LTC 194-2024 Proposed Adjustments to Odd-Numbered Election Schedule.

Public Safety and Neighborhood Quality of Life Committee

On May 22, 2024, the Public Safety and Neighborhood Quality of Life Committee ("PSNQLC") heard and concluded the item. The Item was transmitted to the City Commission with an unfavorable recommendation by a vote of 2-2. Commissioner Suarez and Commissioner Magazine were not supportive of the proposal to transition elections to even-numbered years.

Vice-Mayor Dominguez voted in favor of the proposal to allow the City Commission to discuss the matter.

FISCAL IMPACT STATEMENT

N/A

FINANCIAL INFORMATION

N/A

CONCLUSION

A request is hereby made for the City Commission to discuss the proposal regarding potential amendments to the City Charter aimed at facilitating even-year elections.

Several different options have been proposed concerning changing the City’s election dates: the Charter Review Board recommended an October/November cycle in odd-numbered years; Commissioner Rosen Gonzalez is recommending August/November in even-numbered years; and—if the City retains odd-year elections—the Supervisor of Elections is recommending either October/November or November/December. To avoid voter confusion in the November 4, 2024 election, the City Attorney and City Clerk recommend submitting no more than **one** measure to the voters that pertains to election dates.

Applicable Area

Citywide

Is this a “Residents Right to Know” item, pursuant to City Code Section 2-17?

No

Is this item related to a G.O. Bond Project?

No

Was this Agenda Item initially requested by a lobbyist which, as defined in Code Sec. 2-481, includes a principal engaged in lobbying? No

If so, specify the name of lobbyist(s) and principal(s):

Department

City Clerk

Sponsor(s)

Commissioner Kristen Rosen Gonzalez

Co-sponsor(s)

MIAMI BEACH

COMMISSION MEMORANDUM

TO: Honorable Mayor and Members of the City Commission
 FROM: Vice-Mayor Kristen Rosen Gonzalez
 DATE: March 13, 2024

SUBJECT: DUAL REFERRAL TO THE AD HOC ADVISORY CHARTER REVIEW AND REVISION BOARD AND THE PUBLIC SAFETY NEIGHBORHOODS AND QUALITY OF LIFE COMMITTEE TO DISCUSS WHETHER THE CITY CHARTER SHOULD BE AMENDED TO PROVIDE FOR EVEN-YEAR ELECTIONS.

RECOMMENDATION

I would like to refer an item to the March 25, 2024 Ad Hoc Charter Review and Revision Board (the "Charter Review Board") meeting and the March 20, 2024 Public Safety Neighborhoods and Quality of Life Committee (the "Committee") to discuss whether the City Charter should be amended to provide for even-year elections to allow for greater participation by the City's electorate.

Local governments have a significant voter turnout problem in odd-numbered years, which is when elections are held for the election of Mayor and Commissioners in the City. Turnout is often less than 20% of the electorate, such that local officials are often selected by a small fraction of eligible voters. In contrast, turnout in even-numbered years is often twice the number of voters who participate in odd-numbered years.

After consulting with the City Attorney, I believe the first formal step would be to submit a non-binding, straw ballot question to the voters asking whether the City should initiate the process, with final approval of required Charter amendments subject to voter approval in a subsequent Citywide referendum. I ask that the Charter Review Board promptly make a recommendation to the City Commission as to whether to proceed with a straw ballot well in advance of the County's deadline to submit ballot questions for the November General Election. The County's deadline for the November 5, 2024 General Election is July 26, 2024.

SUPPORTING SURVEY DATA

N/A

FINANCIAL INFORMATION

N/A

Applicable Area

Citywide

Is this a "Residents Right to Know" item, pursuant to City Code Section 2-14?

Yes

Does this item utilize G.O. Bond Funds?

No

Strategic Connection

Non-Applicable

Legislative Tracking

Vice-Mayor Kristen Rosen Gonzalez

Granado, Rafael

From: White, Christina (Elections) <Christina.White@miamidade.gov>
Sent: Thursday, April 25, 2024 4:44 PM
To: Granado, Rafael; Rodriguez, Roberto (Elections); Innocent, Vanessa (Elections); Prieto, Elizabeth (Elections)
Cc: Kallergis, Nick; Mena Caceres, Keila; Barbou, Regis; Valdes, Michael B. (CAO); Guzzo, Sophia (CAO)
Subject: RE: Subject: Inquiry Regarding Municipal Elections Schedule Adjustment from Odd to Even Years

[THIS MESSAGE COMES FROM AN EXTERNAL EMAIL - USE CAUTION WHEN REPLYING AND OPENING LINKS OR ATTACHMENTS]

Hi Rafael,

Please see responses below. Coincidentally, you should have received an email from Liz with an official letter from me regarding the election date changes we have spoken about in the past to formalize/memorialize the request.

Regards,
Christina White
Supervisor of Elections
Miami-Dade County Elections Department
305.499.8509
miamidade.gov/elections
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From: Granado, Rafael <RafaelGranado@miamibeachfl.gov>
Sent: Wednesday, April 24, 2024 8:56 AM
To: White, Christina (Elections) <Christina.White@miamidade.gov>; White, Christina (Elections) <bacogc@miamidade.gov>; Rodriguez, Roberto (Elections) <Roberto.Rodriguez@miamidade.gov>; Innocent, Vanessa (Elections) <Vanessa.Innocent@miamidade.gov>; Prieto, Elizabeth (Elections) <Elizabeth.Prieto@miamidade.gov>
Cc: Kallergis, Nick <NickKallergis@miamibeachfl.gov>; Mena Caceres, Keila <KeilaMenaCaceres@miamibeachfl.gov>; Barbou, Regis <RegisBarbou@miamibeachfl.gov>; Granado, Rafael <RafaelGranado@miamibeachfl.gov>
Subject: Subject: Inquiry Regarding Municipal Elections Schedule Adjustment from Odd to Even Years

EMAIL RECEIVED FROM EXTERNAL SOURCE

Dear Supervisor Christina White,

I hope this email finds you well. I am reaching out to you on behalf of Commissioner Kristen Rosen Gonzalez regarding an upcoming discussion at the Public Safety, Neighborhood, and Quality of Life Committee meeting.

Commissioner Rosen Gonzalez has expressed interest in exploring the possibility of aligning our municipal elections with even-numbered years. As part of our preparations, we would like to understand the logistical aspects of this potential adjustment. Specifically, we are curious to know if the general election must occur in August, with a runoff, if necessary, in November. Alternatively, is there flexibility in determining the timing of these elections?

If you change your election calendar to even years, you are welcome to do so! However, it must coincide with regularly scheduled countywide elections – the August and November dates set by Florida Statute. And your candidate qualifying would also have to align with our needs since there are specific deadlines in Florida Statute associated with these elections. There is no flexibility on this.

Furthermore, we are particularly interested in exploring whether transitioning to even-numbered years for municipal elections would lead to significant cost savings for the city. Any information or data you can provide on this matter would be greatly appreciated.

Putting aside that alternative even year dates are not available, if this question is related to stand alone elections, there would be no cost savings. Your city pays for all costs associated with the conduct of your election. I don't see the benefit in this change. If you "piggyback" on the county calendar, there is a savings. I believe we've provided these estimates (piggybacking vs stand alone) multiple times. Let me know if you need my Finance Division to provide this again.

Finally, we would welcome any insights or recommendations you may have regarding the potential benefits and hindrances associated with such a change. Understanding these factors will be crucial as we evaluate the feasibility and implications of adjusting our municipal elections schedule.

By consolidating onto a countywide election, you benefit from greater voter participation, is less expensive for your city and the County Canvassing Board will oversee and certify the election. We would be responsible for all matters related to the election aside from your office's responsibility with candidates.

If your city commission opts to remain on the odd year calendar, we are hopeful the election date changes we have requested will be honored. The benefits are outlined in the letter.

Thank you for considering our request.

Best regards,

Rafael E. Granado
Miami Beach City Clerk
Cell 305.807.6575
Office 305.673.7411



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).

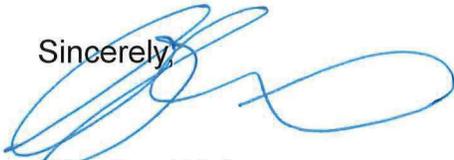
- It will be difficult to staff Early Voting locations over the holiday, including municipal staff needing to be available for the opening and closing of Early Voting on the holiday weekend.
- Limited access to polling places for the Run-Off Election equipment delivery. This occurs the latter part of 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

MIAMI BEACH

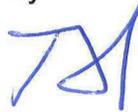
OFFICE OF THE CITY CLERK

LTC #

LETTER TO COMMISSION

TO: Mayor Steven Meiner and Members of the City Commission
Rickelle Williams, Interim City Manager
Ricardo J. Dopico, City Attorney
Joseph M. Centorino, Inspector General
Nick Kallergis, Deputy City Attorney

FROM: Rafael E. Granado, City Clerk



DATE: May 22, 2024

SUBJECT: Proposed Adjustments to Odd-Numbered Election Schedule by Miami-Dade Supervisor of Elections

The purpose of this LTC is to inform you about a conversation I had earlier today with Christina White, the Supervisor of Elections for Miami-Dade County. During our discussion, Ms. White notified me that she is willing to consider maintaining the City's General Election on the first week of November and extending the period before the Run-Off Election to 5 weeks later instead of the current 2 weeks. Ms. White stated that this adjustment would provide an additional week beyond Thanksgiving, which is anticipated to offer a more comfortable timeline for all parties involved. Ms. White's alternate proposal would mean that the City would still hold its General Election on the first Tuesday in November, and the Run-Off Election (if required) on the second Tuesday in December.

Ms. White is making this proposal in addition to her original request to reschedule our election dates in odd-numbers years to allow for four weeks between the General and Run-Off Election (if required). Ms. White's original proposal would mean that the City's General election would be held on the first Tuesday in October in odd years and the Run-Off Election (if necessary) would be held on the first Tuesday in November in odd years.

Ms. White is interested in knowing if the Miami Beach Mayor and Commissioners would be agreeable to adopting this new revised schedule. One of Ms. White's key goals is to synchronize the election calendars in Miami Beach, Miami, and Hialeah for uniformity and ease of administration. Ms. White has made this new proposal to Hialeah and Miami as well.