

**Minutes
Election Advisory Panel
July 18, 2012**

Members present: Leslie Goller; Chair; Scott Wiley, Joanie Prater, Natalie Alden, Dan O'Connor, Debbie Gonzalez, Ed Gaston

Members absent: Kathy Carithers, Kim Glasgal

Visitor: Jerry Holland, Supervisor of Elections

This meeting called to order at 3:07 p.m.

Old Business:

Minutes-

Minutes of last meeting approved.

Website Recommendations-

Leslie Goller will send an email to Jerry Holland regarding the language she would like to see on the SOE website regarding the new polling locations.

Litigation-

SOE Jerry Holland explained there are two lawsuits primarily that focus on Duval County; one is Jack Daniels lawsuit who is running for School Board District 3. There are four candidates in that race, Jack Daniels, Andrew Cordek, Suzanne Jenkins and Ashley Smith Juarez. Jack Daniels in his lawsuit is saying that Juarez and Cordek should not be qualified because they collected signed petitions throughout the county, instead of just in the district. SOE Jerry Holland said that is correct, because in the year of reapportionment you can collect them anywhere in the county. Mr. Daniels argument is that the city council drew the school board lines in November therefore; it should only be the calendar year of 2011. Where the year of apportionment is Congressional, redistricting is only the part of redrawing the lines, which is not completed until the legislature completes theirs, which was not completed until May.

Therefore, our argument and the state's opinion to us is that the year of apportionment is not in calendar year but in the year, it takes to complete apportionment. The judge that was assigned to the case has excused himself and a new judge has been appointed. The city has also filed a motion to dismiss the case and no dates have been assigned to that order as well as his lawsuit. That is where we are at now. Jack Daniels would like the court to remove the other candidate's names from the ballot. We will need the court to decide.

That is lawsuit number one, lawsuit number two that has not materialized yet, is whether Jim Fuller will be sued, after the Supreme Court decision on term limits, he believes that applies to chapter 8 of the State Constitution not chapter 5 which he is in. He went ahead, qualified, signed the papers, and said he was qualified, which requires me to put him on the ballot. Next Tuesday, the City Council is going to introduce a resolution to have the General Counsel proceed with a lawsuit to see if he can be removed. The administration had the option to do that, they elected not to and I could have had the option to sue also. I thought it would be very difficult for voters to understand why I would put him on the ballot and then turn around and sue to have him removed from the ballot. My job is to be ministerial and put him on the ballot not to sue him after I put him on the ballot. Any candidate can sue also. We are now waiting on those proceedings.

Duval Voter Registration Update-

Leslie Goller asked if the new Third Party Registration Statute has affected new registrations. SOE Jerry Holland explained that we are a little less than 2% increase of registrations over the gross numbers of registrations from 2008, we are a little bit higher. It is relative to the population. Your population number may be the same but as far as new registrations, you are losing those who die and you are capturing those who turn 18. You still have the same population base but you are still losing voters, because the young ones are not registering yet and the old ones are dying. It is not as simple as looking at how many were registered at a certain date and how many are registered today. There are more variables involved when looking at that number. There is still a net gain in voter registrations. September will be a better indicator of the increase in voter registrations before the General Election.

The new voter cards will be sent out this Friday, July 18th. SOE Jerry Holland explained that the reason for the delay is that we changed vendors and they were supposed to be sent out at the end of June. They called us and said it would be July 9th then they said July 10th and then they said they could get them out by the end of the month. Jerry told the vendor that would not work. We rescinded their bid and went to the second bid, which was a local company that we have used before TC Mailings. They made the commitment and they will be going out the end of this week. All sample ballots will be mailed out July 30th.

List Maintenance-

There are three groups on that list; deceased voters, Non-U.S. Citizens and non-immigrants. Every Supervisor processed the first group, which were the 52,000 deceased voters. The next group was the non-U.S. citizens/non-immigrants, which were about 2,600, and approximately 117 have been removed from the State. We had 18 in Duval County. We sent out certified mail to all 18 and received one response, a Sergeant in the Army who is now a naturalized citizen, born in Peru. We validated he should be on the rolls. The third list for the State, which had about 182,000; we never received any off that list. They estimated, Duval County had about 3,600 on it. The State decided not to release the list; based on the first list and not having the confidence in it, because the list was generated more than a year ago, and many of these were legal citizens because of naturalization ceremonies going on monthly. The list is a public document; it is available through the Division of Elections and can be released to people who request it. The list was never released to the Supervisors.

Two things were decided in lawsuits that they had against the Department of Justice and Homeland Security; one was that it is possible to remove a Non-U.S. Citizen within the 90-day window of an election. The Court said the Non-U.S. Citizens were never eligible, therefore the ninety days does not apply. If you have proof that someone is not eligible, you may remove him or her at any time. The Department of Justice and Homeland Security has worked out with the State that they can use the same database they use. The database is updated every 48 hours. It is supposed to be the most accurate database of U.S. Citizenship. The Secretary of State's decision was

to run the entire database of 11 million voters through the same database and then give us a list based on that, with evidence that they were U.S. Citizens. They were not going to release the list prior to the Primary. They would release it thereafter. There may be 50,000 – 60,000 possibly, half that list, out of the 182,000. Duval could have 1,000- 1,800 from that list but that is just speculation. We do not know yet the process we will have to go through to remove the voter; we do not know what rule the State will apply to these Non-U.S. Citizens yet. We are waiting for the list and that is our next step.

Gateway SOE Warehouse and Branch Office Status-

We are looking at several things but we are trying to meet the expectations of what the Mayor and the City Council wanted; one is the Mayor and City Council's priority was that we stay downtown. A couple of things we wanted to do is see if we could combine the downtown and Gateway offices together. That would be the most efficient, because it allows me to be there, where I can easily go into every training class, we can see everything and it is not two separate offices. We can use employees at the warehouse when they need them. We are currently looking at property that the city owned, which is referred to as the Sax Restaurant that the Council appropriated money for next to Lavilla six or seven years ago. It never opened. It went defunct before they ever got it and that would save the city \$20,000 a month, almost \$200,000 a year not counting the efficiencies of the operation. That is what we proposed to the administration. This would not happen prior to November.

Currently, Gateway has a new owner. It is an investment firm out of South Florida. The previous owner was in bankruptcy and foreclosure. The new owners want to improve the facility. This is encouraging; being that we have had so many problems with maintenance issues in the building that have not been resolved.

2012 Primary Election Status-

We will look into advertising on our billboards, precinct changes, dates for voter card and sample ballot mailings. Our call center training starts next Monday and will go live August 1st. Logic and Accuracy will begin Monday, July 30 this is where we run through a test deck of ballots and then print the results and see if they match what the ballots are and determine the accuracy and then we will zero it back out and seal the machines. We randomly select the machines; one from every city council district and the early voting sites. The memory cards are in them right now but not sealed until after logic and accuracy testing. Leslie Goller voiced a concern about the security regarding the machines not being sealed now before logic and accuracy testing. SOE Jerry Holland explained that the machines are under a secured situation now. The same security, the machines are locked down, nobody has access. We have security cameras on them. If they have been altered during that period, they are going to show that when you do your L & A test. The risk of a machine, being altered, is suspect to again being found in the L & A test.

Leslie Goller is concerned about the program being changed, so that every one vote for someone ends up being a vote for someone else. SOE Jerry Holland said you would still see that evidence when you do the hand recount audit. None of my staff is capable of changing the program, we do not have the firmware and we do not even know the source code and do not have access to the source code. Leslie Goller just wanted to make sure that we have good, clean elections, SOE Jerry Holland said he will see what we can do to have them sealed prior to what we are doing in that process. Natalie Alden said that with everything that you would have to do in order to change the programming and actually get in there and do it, she cannot see how, with the cameras being there, that a person wouldn't be caught tampering with the machines. SOE Jerry Holland said that the theory is not to add votes but to switch votes from candidate A to B. The physical anomaly would jump out when you are validating the votes. That is why we require two Republicans and two Democrats at every precinct, a policy of mine, because I want eyes and

ears in every place. We want every possible way to make sure that there is not interaction of anything that is inappropriate. I feel confident that our election operation and process is transparent in all aspects.

SOE Jerry Holland said that we are now using new equipment for this election and obviously anytime, you train people on new equipment that is always a testing ground. We have done a lot of training and we feel confident in our system. The equipment is not that difficult to use. Scott Wiley inquired about Jerry's prediction for the turn out for the Primary Election. SOE Jerry Holland predicted a 23% turnout for this election. He said his turnout prediction for the General would be low 80%.

Actions by EAP or EAP Members-

There are no actions taken by the EAP or EAP members.

New Business-

Leslie Goller brought up her concern regarding the sign violations. SOE Jerry Holland said that one of the council members is working on something to revive the fines for sign violations. Crescimbeni is the councilperson working on this.

Next Meeting-

The next EAP meeting scheduled for, Wednesday, August 22 @ 3:00 p.m.

Meeting Adjourned-

EAP meeting adjourned @ 4:30 p.m.