

**Minutes**  
**Election Advisory Panel**  
**August 22, 2012**

**Members present:** Leslie Goller, Chair; Joanie Prater, Ed Gaston, Kathy Carithers, Natalie Alden, Debbie Gonzalez

**Members absent:** Kim Glasgal, Scott Wiley

**Visitor:** Jerry Holland, Supervisor of Elections

The meeting was called to order @ 3:10 p.m.

**Minutes:** Minutes of last meeting approved.

**Old business:**

**Website Recommendations-**

Debbie Gonzalez gave kudos to Jerry Holland for keeping the line of communication open and for taking our suggestions regarding the website.

**Litigation-**

Jerry Holland stated that there are four lawsuits currently. The outcome of the Jim Fuller lawsuit was that constitutional offices are term limited and in the Jack Daniels Lawsuit, the Circuit Court ruled in favor of the elections office that the candidates, Ashley Juarez, Suzanne Jenkins and Andrew Cordek could stay on the ballot legitimately and their petitions could come countywide. There was a lawsuit that did not pertain to Duval County but to the five pre-clearance counties on Early Voting. It went to a three-judge panel in Federal Court they would except if they went to 96 hrs of early voting and fourteen days. Monroe County was the only county that was holding out, the other counties agreed to go to eight days, 12 hour days, and Monroe said if that is what the Department of Justice pre-cleared then they would follow the law. We are waiting to see the outcome of that.

Kathy Carithers stated that she was not familiar with the early voting days/ the number of days and asked if is the Justice Department was saying that as long as the hours are the same it doesn't matter how many days. She thought that it would be disadvantaging to some population if it were like that, and asked if that was correct. Jerry Holland said no, there is a 180 page decision on that but the Department of Justice has to pre-clear those five pre-clearance counties that goes back some twenty years and the Department of Justice was not going to pre-clear them. It went to court on the stance that Florida was taking, again the decision from the judicial panel; they said that if the number of hours was the same you could go from 48 hours or some combination in between to 96 hours. Their opinion was that if they did adopt the new law they would have to divide pre-clearance counties. The Department of Justice is not defending the lawsuit, it was brought by other parties and they showed a Disparity study of African Americans and they showed the need for more days or more hours for early voting.

They would then submit to Department of Justice for preclearance. There is no other lawsuit for the other 62 counties. By statute they can still go from 6 hour to 12 hour days for those eight days of early voting. Kathy Carithers asked if that means it, would be different voting times in different counties? Jerry Holland said, "Yes".

The fourth lawsuit is with Congresswoman Corrine Brown suing the Secretary of State and myself for a second Sunday of Early Voting. That lawsuit will be heard sometime in Federal Court in September, Judge Corrigan presiding and we will wait to see what the outcome is. That is our current litigation.

### **Voter List Maintenance Status-**

Leslie Goller inquired as to whether or not anything has come down from the State regarding the voting purge list status. Jerry Holland said they were still waiting for the State to process them through the homeland security safe database. They said they were going to take the original 2,600 statewide and run that through the safe database before they went through the 182,000. They do have to pay fifty cents per person that they process through the homeland security database.

Leslie Goller inquired as to what Jerry Holland's response will be if one party house challenges/pre-challenges people using the purge list. Jerry Holland said we would follow the procedures of a challenge; it is clearly laid out by the statutes. Leslie Goller asked if there would be any extra instruction given to clerks and assistant clerks on the challenge process. Jerry Holland said that we would address it when the poll workers come back in for the General Election training.

### **Actions by EAP or EAP members –**

Kathy Carithers said that she got a phone call from someone who called to complain that she was not pleased with what was going on with her precinct. Number one, the voter requested an absentee ballot, made an error on it, called the Supervisor of Elections office, and was told by the operator that they would send out a new one and instructed to throw away the one she made a mistake on. Jerry Holland said that what they should have told her is to keep the spoiled one until she received the second absentee ballot, because what happened was she never received her second ballot in the mail, so when she went to the polls to vote, she did not have a ballot to surrender and was given a provisional ballot. Kathy Carithers said that the woman was not confident that her vote would be counted. Jerry Holland said that we accepted her provisional ballot and it was counted.

Debbie Gonzalez also stated that everyone is given a receipt upon filling out a provisional ballot and they can call that number with the receipt after the election to verify that their vote was counted. Kathy Carithers said that it would be a good idea, to have the steps laid out on the website of what a voter needs to do in the case that they vote a provisional ballot and how they go about verifying that it counted. Kathy Carithers also suggested we do the same thing on the website for the steps involved when you spoil your absentee ballot and request another, explaining that you keep the spoiled one until you receive the new one, in case you do not receive another one, so that you can surrender it at the polls and vote a regular ballot. Debbie Gonzalez said it is also important to remind absentee voters to update their signature so that we have a current one on file.

## **Warehouse & Gateway Property-**

Jerry Holland said that Councilman Clay Yarborough introduced resolution to ask that the city consider due diligence on the city's site that they own by the Ritz Theatre and have Public Works and the Real Estate Department verify the cost numbers to build them and do the appraisal on this property for combining the two. It went to rules and finance committee this week and goes in front of City Council next Tuesday, with the oversight of the General Counsel to see that it is done. This gives them 30 days to come back and see if it is a viable option for the city to consider. It also does not limit them from considering other sites.

They may end up changing the 30 days to 60. It is up to the real estate department to ask for additional days. Ed Gaston asked what the pros and cons were regarding the properties. Jerry Holland said there were three things they were looking for; they wanted to make sure we had a downtown presence, which knocked out any sites that were outside downtown. They looked at the efficiencies of consolidating our two offices as far as; it would take less staff and have more oversight of the Supervisor. The requirement would have to cost less money. We will not know that until they price it out. That is not to say that even if it comes back and it saves taxpayers money, that they will still do it. It was not the pros and cons of the site as much as the cost behind the site. They are going to request an R.F.P. (request for proposal) to look at all city owned properties for their highest and best use. They felt like when they did that RFP they would consider this property.

The problem with that is just saying the best use of that property is a city facility but you still have to price it out and determine the appraisal value. The idea is to sell this property and combine the two sites. You have to do the appraisal and you have the construction cost numbers to build that site and see if it is feasible and then the Council would decide to put it in their capital improvement projects. Jerry Holland said that there is only a certain window of time to do this in. We would need to make a decision in 2012 start it the beginning of 2013, it takes a year to build it and then complete it at the end of the year and then move in January of 2014.

## **New Business:**

### **2012 Primary Election-**

Leslie Goller stated that during early voting there was a big problem with the machines rejecting the ballots. Jerry Holland said that we saw it more during early voting than we did on Election Day. The ballots are produced a different way during Early Voting. On Election Day they are pre-printed by a printer, sealed in plastic, and then brought to the precincts. In Early Voting, we use blank paper. It is manufactured by a company under the specs of the manufacturer of the voting machines, but we print the ballot on a ballot on demand printer. A couple of things we learned from it. One is; that we were only printing one side of the ballot; when you only print one side, it produces a curl in the paper. Because normally, when you send it through the other way it will take the curl out. We decided either we can program the machine or we can also put a message on the back that says this side of the page is intentionally left blank and that would take out the curl. We are also looking at the difference between the types of paper. We use two types of paper which is manufactured for the old voting machines; which is 90 lb. paper and the spec paper, count-right by ES&S, is 80 lb. paper. In some places, the V4 paper worked better in some places, the count-right paper worked better. We also learned that the way the paper is cut could make a difference when you buy it in a package already cut it seemed to be better.

Jerry Holland said there will be a 17" ballot in the November, Presidential Election. It will consist of four pages or a two-sheet ballot versus a one-sheet ballot that was used in the Primary Election. The candidates are on the first sheet and then the rest are Amendments. Leslie Goller asked if only candidates will be on the first page. Jerry Holland said Yes, The only amendment on the first page will be for Jacksonville Beach.

Leslie Goller inquired about the I.D. address question that is allowed for poll workers to ask voters. Jerry Holland said by State Statute, we cannot ask the voter to recite their address. Your I.D. is not about you address, it is about the picture and signature. Jerry Holland said we would go over this with poll workers in training to ask has your address changed.

Kathy Carithers asked about the audit that is taking place tomorrow that we conduct after an Election. Kathy said she thinks audits are not relevant because they are not done by a statistically significant number and asked what is a valid statistical audit? Jerry Holland said the State says 2% of the precincts of the race that we randomly select. Kathy Carithers asked if they are saying that arbitrarily or have they figured that, that is the statistical analysis necessary? Jerry Holland said that is the State Statute that we go by. That is a legislative issue. Debbie Gonzalez said that it is an arbitrary random sampling every time. Jerry said, yes.

Jerry Holland said we had the first recount since 2000. Friday at noon the State sent the notice out. We used 20 old DS 200 machines and two 850's. We will need more 850 machines for the General Election. Leslie Goller asked if we would rent them or buy them. Jerry Holland said that we would buy one and rent the fourth one and they will loan us machines for all precincts with more than 3000 voters and will have two machines at those locations.

Leslie Goller asked was the number of votes different from the number reported after the recount. Jerry Holland said there was a difference of about 200 ballots. Leslie Goller asked how does that happen and Jerry Holland said different things can happen. If there is a jam on the machine and they don't run it back through when it says already counted that is one way the other way is some provisional's failed to get fed in the unofficial count. First, you have an unofficial certification and then you also as you are going through the process and reconciling everything and you do not have a recount then you have the final certification by Wednesday. Between the unofficial and the recount they identified they had not run through all the provisional's. It is the difference between the unofficial and the official results. The recount occurred before the official count. It was 3/10<sup>th</sup>s of a percent. You separate under and over votes if it drops beyond the ¼ percent.

Leslie Goller inquired if Jerry ever figured out why the 8 - 10 Precincts were not able to modem in and transmit the votes on Election night. Jerry Holland said we have to take a look at the memory sticks to see if it was operator error or a transmission problem. ES&S will be doing the analysis on that and will get back with us.

Jerry Holland mentioned voter complaints of the facility; the Moose Lodge on Southside Blvd. The voters were offended by the smell of smoke and will be relocating that precinct, another complaint about Adel Grage Cultural Center Precinct; regarding the lack of parking. Alternative sites for those we will post in the paper. There are also problems with disabled parking at Hidden Hills and we will be looking into having more handicap parking spaces available.

Leslie Goller said one other site, because of a church fire has been changed as well. Jerry Holland said we would put a special assignment person at old location. We will make sure they are on time and rovers check to make sure they are there.

**Next meeting-**

Wednesday, Sept 19<sup>th</sup> @ 3:00 PM

**Adjournment-**

EAP meeting adjourned @ 4:33 PM