

**DUVAL COUNTY ELECTION ADVISORY PANEL**

**PRELIMINARY MINUTES**

*These minutes are unofficial until reviewed and approved by the*

*Election Advisory Panel at a future meeting*

**December 15, 2021**

**3:00 p.m.**

**Don Davis Room**

**1st floor, City Hall**

**Attendance:** Robert Maldonado (Chair), Robert Phillips, Ingrid Montgomery, Daniel Henry, Nancy Crissman, Charles McWhite

**Excused**: None

**Absent:** None

**Also:** Jeff Clements – City Council Research

Chairman Maldonado called the meeting to order at 3:03 p.m. and the attendees introduced themselves for the record.

Approval of Minutes

The minutes of the October 6, 2021 meetings of the Election Advisory Panel were **approved unanimously as distributed**.

Supervisor of Elections update

Robert Phillips of the Supervisor of Elections (SOE) office reported that the results of last week’s special election for the vacant City Council seat were certified today, and an audit of 4 precincts with manual counts to match against the machine counts will be held this Friday. The election produced no winner so the top two vote-getters will proceed to the final election in February. Voter turnout was 81,367, 12.61% of the 645,247 registered voters. Registered Democrats cast 36,943 ballots (45.39%), Republicans 36,861 (45.3%), No Party Affiliation 6,848 (8.42%) and Other 724 (0.89%). 43.14% of votes were cast in precincts on election day, 34.14% by mail, and 22.62% via early voting sites. 64.5% of Democrats voted by mail or early voting; 52.39% of Republicans voted in person on election day.

Mr. Henry said he got lots of calls from voters who didn’t read their sample ballot carefully or otherwise didn’t realize that 5 traditional early voting sites were not being used during this election. He asked if signage could be put on the doors of those locations in advance of the next election so voters could know they need to go elsewhere. Mr. Phillips said they had personnel stationed at non-used sites on election day to direct any voters who arrived there, but could possibly try signage and a more robust web site presence to inform voters of the change. In response to a question from Mr. Henry about vote by mail cures, Mr. Phillips said only 2 cures came in after 7 p.m. election day and not many before that. The SOE uses whatever contact information they have on file to try to reach voters about the problem. The office will get an invoice from their automated phone call contractor about how many contacts they attempted after the election in February is done. He said the SOE doesn’t know if using that automated contact system for other than the vote-by-mail cure contact specifically authorized in state law, for example to inform voters about early voting sites not being used, would cause a public records problem. He also noted that people can vote early at any of the available sites so they can’t really use a radius around an early voting site to send automated calls about the unavailability of a particular site and be certain that they have reached all the people who might be intending to vote at that site.

In response to a question from Mr. Henry about the early voting sites that had the most activity, Mr. Phillips said they were the usual high performers – the Beaches, Highlands, Mandarin, South Mandarin, and Pablo Creek libraries. Mr. Henry asked about any progress being made on replacing the Gateway Center early voting site. Mr. Phillips said they are still looking at alternatives in the area. He likes Joseph Lee Community Center for its convenient nearby location and also perhaps the Carter Woodson Elementary School, but they need to check the legality of using that site. The SOE will have something in place for that area by the August 2022 primary.

Mr. Phillips reported that the new ExpressVotes voter assistance terminals have arrived and are being tested, and the current AutoMark system is being phased out. He noted that West Palm Beach went to a completely ExpressVote election for early voting this year. Mr. Phillips described how the system works with a touch screen for voter selections then a thermal printer prints the selections on a blank sheet of paper and records the vote electronically.

The logic and accuracy test for the February election will be held on February 4th at 1 p.m.

Chairman Maldonado asked for a cost estimate for the special election. Mr. Phillips said he know of about $400,000 in costs so far, but that doesn’t include election day site rentals and poll worker payments.

Mr. Maldonado asked about fraudulent voter registration forms and the 2 people reported in the media recently as being charged with voter fraud. Mr. Phillips said SOE staff noticed unusual features of some of the registration forms being turned in, including signatures not matching those on file and party registrations being changed to other parties in areas with high party registration preference. He understands the men are being charged with identity theft rather than voter fraud. Mr. Maldonado asked if the SOE is investigating the organizations for which those men were working, and Mr. Phillips said his office does not have investigatory powers and leaves that to the State Attorney’s Office. He has heard that the organizations for which the two suspects claim to have been working deny any knowledge of what they were doing. Mr. Phillips noted that his office is being inundated with constitutional amendment petition validations, which are being carefully checked for fraudulent signatures.

In response to a question from Chairman Maldonado about whether the SOE has communicated with the groups that protested the closing of some early sites earlier in the month, Mr. Phillips said Supervisor Mike Hogan has been in communication with some, but some of the groups are litigants against the City and he is being careful about what information he shares with them. The SOE decided that the fewer sites for a low turnout election was justified because of the costs; the 15 sites used covered most of the county fairly well. They will use 15 early voting sites for the February election and then be back to the usual 20 for the 2022 general election.

Mr. Henry asked for a refresher on how the finances for the special elections will work. Mr. Phillips said the SOE will use the FY21-22 funding for the August state primary for the February special council election and will need to go to Council for another appropriation for the August election when actual costs for the February election are determined. Mr. Henry said he is still concerned that University Park Library early voting site closure disadvantaged District 1 voters, which he believes is responsible for the lower turnout in that district compared to previous elections. He said it’s a very transient and economically challenged district where transportation is a real issue and urged a deeper look at the turnout from District 1 and whether the University Park Library closure had an impact.

Mr. Henry noted that the City Council’s redistricting plan has been approved by Special Committee on Redistricting and will be introduced in Council in January. Mr. Phillips said the 2022 election calendar remains the same except for the addition of the February special city council election. He noted that with the addition of the two special elections, the SOE will run 6 elections in a span of 16 months.

Mr. Maldonado asked how COVID precautions were received during the special election. Mr. Phillips said they seemed to work well and the poll workers liked having a person dedicated to sanitizing the precinct. The SOE will still be providing personal protective equipment to any worker or voter who wants it. Most poll workers did not wear masks last week, which was a real change from last year’s elections.

Election Operations Center Update

Mr. Phillips said that SOE is still in a holding pattern on getting more space in Imeson and moving the SOE headquarters from downtown to there. There has been no action since last EAP meeting.

Old Business

Chairman Maldonado asked for an update on potential new appointments to fill the EAP’s vacancies. Jeff Clements reported that Supervisor Hogan has submitted a nomination for Ray Pringle to fill one of his vacancies, and the appointment resolution will be introduced at the first City Council meeting in January.

New Business

Mr. Henry said it appears that the redistricting plans at both state and local level will likely be changing some precincts and asked how that process works. Mr. Phillips said it appears that most of the changes will be around the edges of a few districts, and not much change in the core of the city. Precincts will always follow City Council districts - no voter will vote outside of their council or School Board district. They are still waiting on Florida House and Senate districts to be finalized before making final precinct plans. They will overlay the state districts over the City Council districts to see how much commonality there is and work from there. The process is more difficult when the state district boundaries don’t follow major features like highways, water bodies, etc. There has been lots of population growth in the southeast part of the city, but not as much facility development (i.e. churches, community centers) to provide precinct locations. He said the old rule was to try to keep precincts to no more than 2,500-3,000 voters, but that won’t be the case in the future because so many people now use vote by mail and early voting. They don’t need to worry so much about precincts being overwhelmed on election day because more voting is now taking place earlier.

Public comment

City Council Member Michael Boylan, who serves on the Canvassing Board, said that public involvement in the testing and canvassing process was much lower for the last election than in previous years. He was concerned that there was a much larger number of overvotes this time than usual for some reason - over 600 people voted for two candidates in last week’s election for one seat. A bill has been introduced in the Florida Legislature this session to move city elections to the state election cycle, which causes him concern about accuracy and cost (if the added races cause a multi-page ballot to be necessary). He said the Supervisor’s office has done a great job with elections. With regard to redistricting, Mr. Boylan noted that his District 6 is impacted by the growth in the adjoining District 11 which has caused a shift of some territory with District 5 and the addition of the Bartram Park area to District 6. He echoed Mr. Phillips’ earlier comments about finding good election day sites because of the lack of churches, libraries, etc. He expressed thanks to the Election Advisory Panel members for volunteering their time and doing important work.

Lanelle Phillmon of the League of Women Voters said she was a poll worker this year and it was an eye-opening experience. The League is encouraging more people to be poll workers and to tour the SOE’s operations and learn about the equipment. She went to University Park Library and another early voting location and found people who showed up, including with sample ballots in their hands, not knowing that those sites weren’t being used for this election. Door signage as mentioned earlier may not be entirely effective – she saw signs posted in the morning that weren’t there in the afternoon. She said there is a need a downtown location for early voting, possibly in the Ed Ball Building across the park from City Hall. She asked if the SOE had looked at the impact of closed early voting sites on the turnout at the adjacent sites and whether they saw an increase from the normal. Ms. Phillmon said she applied in 2020 to serve on the EAP and never heard back from anyone even after trying to follow up on her application.

In response to a question from Mr. Henry about how Supervisor Hogan handles applications to serve on EAP and makes his nominations, Mr. Phillips said that would be a question for Mr. Hogan to answer.

Panel Member Comments

In response to a question from Mr. Henry about there is private party interest in purchasing the current SOE headquarters building on Monroe Street, Mr. Phillips said there is, but any transaction would have to go through the City’s Real Estate division since the City is the owner of the property.

Mr. Maldonado asked if the SOE has any feel for how the closure of some early voting sites impacted on the adjacent sites. Mr. Phillips said not particularly – the high performing sites were the same as always and it would be hard to tell what impact a closure has on adjacent sites since voters can early vote at any site that’s convenient.

In response to a question from Mr. Maldonado about what the sample ballots say about closed early voting sites, Mr. Phillips said the sample doesn’t say what sites are not being used but lists those that are being used.

Meeting Schedule for 2022

After some discussion about the need for more meetings in an election year than in the year past with no regularly scheduled elections and the timing of meetings in relation to significant events during the upcoming general election year, the group settled on five meetings: March, May, July, September, and November. The panel will meet on the third Thursday of those months (March 16, May 18, July 20, September 21, November 16), with the possibility that the November meeting may be pushed back to later in the month if the general election is not completely wrapped up by then. Mr. Henry asked when the SOE would be able to talk about new precincts; Mr. Phillips said probably at the May meeting after the Legislature finishes its session. The March meeting would probably be too early.

There being no further business, the meeting was adjourned at 4:05 p.m.

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Posted 12.16.21 5:00 p.m.