



**DUVAL COUNTY ELECTION ADVISORY PANEL**

**PRELIMINARY MINUTES**

*(These minutes are unofficial until reviewed and approved by the Election Advisory Panel at a future meeting.)*

**June 26, 2024  
3:00 p.m.**

**Don Davis Room  
1<sup>st</sup> floor, City Hall**

**Attendance:** Panel Members Ray Pringle (Chair), Robert Phillips, Gloria Einstein, Carmen Martinez, Lanelle Phillmon, Robert Maldonado (via telephone)

**Excused:** Austin Kwikkel

**Absent:** Daniel Henry

**Also:** Jerry Holland - Supervisor of Elections Office; Jeff Clements – City Council Research Division

Chairman Pringle called the meeting to order at 3:08 p.m. and the attendees introduced themselves for the record.

Approval of Minutes

The minutes of the November 15, 2023, January 17 and April 17, 2024 meetings of the Election Advisory Panel were **approved unanimously as distributed**.

Tax Collector’s Office – “motor voter” registration procedures

Rob Amos of the Tax Collector’s Office answered questions from the panel members about how the “motor voter” registration process works. He said every applicant needs a primary identification document (passport, “green card”, etc.) and other information showing the home address. He said that registration is a process, there is not a “list” against which applicants are compared to verify identity. If a U.S. citizen wants to register to vote, the Tax Collector’s staff take their application and transmit it to the Supervisor of Elections (SOE) office for processing; non-citizens can’t register to vote. Mr. Amos said if someone brings a paper voter registration application to their office, their only obligation is to forward that form to the SOE. Carmen Martinez said there is a citizenship check box on the paper application that a non-citizen can check and then use the Tax Collector as a vehicle to get that form into the SOE’s registration system.

Supervisor of Elections Jerry Holland said the gold star icon on a driver’s license verifies that it was processed under Real ID procedures and that requires the appropriate documentation. Mr. Amos said any renewal of a non-Real ID license requires full Real ID documentation to process. He said there are 3

categories for applicants in the computer system - US citizen, immigrant, and non-immigrant - and the system doesn't allow a non-citizen to register to vote. Mr. Holland said paper applications are the only way to get around the registration system. He said his staff processes forms using the honor system for checked boxes and forwards them on to the state. The Secretary of State's Division of Elections then processes the form and checks the reported information against state databases for verification. If the state says a person is not eligible to vote, then the county SOE removes them from the local voter roll when notified of that fact, even within the 90-day window prior to an election when voter list maintenance is normally not allowed. His office sends 2 letters to voters when it appears they are no longer living at the address where they are registered hoping the letters will be forwarded and the correct current address can be determined.

Lanelle Phillmon asked for confirmation that non-citizens can't register to vote electronically via the Tax Collector's computer system; Mr. Amos said that is the case. He noted that employees are required by law to ask anyone applying for a new or renewed driver's license or state ID the voter registration questions. Ms. Martinez said there is a presidential executive order requiring voter registration forms to be available in all federal agency offices; she thinks employees in those offices are "pushing" forms to citizens who might not otherwise ask for them, regardless of whether they are citizens or not, which is problematic. Ms. Phillmon said the availability of the forms in federal offices is done as a matter of convenience for the general public and is helpful because there are public employees there who can help applicants make sure they fill out the forms correctly.

Supervisor Holland said there was a bill (Senate Bill 1718) in the last session of the Florida Legislature which provided that an undocumented person may not get a driver's license in Florida. It also says that Florida will not accept a driver's license from another state as a means to get a Florida license if that state didn't use the Real ID procedure. Mr. Amos said that has always been the case – undocumented persons cannot get a driver's license. Mr. Holland said the new law codified the practice. He said the Legislature could provide for a notation on drivers' licenses indicating the holder's citizenship.

#### Supervisor of Elections update

Supervisor Holland said his office is completing a module that will facilitate on-line training for a portion of the required poll worker training so it will not all have to be done in person. They will be doing an advertising push before the upcoming elections about how to vote. Mr. Holland said the SOE doesn't do "get out the vote" promotions – that's the candidates' and parties' job. It's up to a citizen's personal choice if they want to vote or not. NorthFloridaVotes.com is a 6-county initiative in our area to provide links to county-specific voting procedures, deadlines, locations, etc. through a website and multiple radio stations. Jacksonville contributed 50% of the cost and the other counties collectively contributed 50%, so the number of radio voiceovers allocated among 5 SOEs is based on their respective contributions. Full page ads will be published in the Senior Living newspaper providing voter registration information and billboards will provide registration deadlines and early voting dates.

Mr. Holland said that for this primary election his office will be using the last of its Help America Vote Act grant funds to pay for sample ballots for the primary; after that money is exhausted then the City will have to pay the cost for those sample ballots. Ms. Martinez asked if there is any easier way for an interested person to become a poll worker apart from applying via the SOE website. Mr. Holland said using the mechanism of the website is a good way to test applicants' computer literacy, but he will take applications in any way from anyone who is interested. Not everyone who volunteers to be a poll worker gets selected – the SOE considers party registration and other factors in order to get a workforce reflecting the full diversity of the county. They schedule 30-50 "spare" poll workers to be available on election day to cover for any no-shows, and they always lose some workers between elections that need to be replaced.

Lanelle Phillmon asked about Clay County's TextMyGov system and whether Jacksonville is interested in that model. Robert Phillips said it takes a lot of outreach to inform voters about the availability of the system and to get them to opt in and that would be a lot of work for a county our size. Mr. Holland said Jacksonville has some aspects of the BallotTrax system discussed at the last meeting through the U.S. Post Office's ability to track when a ballot is mailed out and when it is delivered back to the SOE. Ms. Phillmon asked if there are any concerns about delays in processing vote by mail ballots at the US Postal Service. Mr. Holland said that in his experience the Post Office in Jacksonville is very cooperative and willing to look at problem areas. We don't seem to have the issues that some parts of the county have with slow mail delivery. He said he always urges voters not to wait until the last minute to return vote by mail ballots – earlier is always better, so there is no chance of a last-minute delay. The SOE sends an employee to the main post office at 7 p.m. on election day to get any ballots returned at the last minute. A voter can also turn in VBM ballots to drop boxes at early voting sites which are monitored by a poll worker.

Carmen Martinez asked what happens to ballots that don't come back by mail and whether candidates can ask for information on which ballots were not returned. Mr. Holland said they can; that's public information and the political parties can ask who requested and who returned VBM ballots so they can follow up and encourage them to vote. He said some people request VBM ballots fully intending to vote in person but wanting to have it just in case something comes up and they need to use the mail option. The drop box ballots are emptied every night and processed that day for signature verification.

Mr. Holland said there will be ballot on demand printers at every voting site to produce paper ballots. There are new EVID scanners to speed up the ID scanning and check-in process. Requests for VBM ballots are over 56,000 for the August primary, slowly creeping back up but nowhere near the over 100,000 VBM ballots cast in 2020. The SOE has been doing lots of voter roll maintenance and there are 40,000 fewer registered voters now than in 2020 because the SOE wants the rolls to be very accurate. People who have moved will be placed on inactive status and will have to their addresses in order to regain eligibility to vote. Ms. Martinez asked what sources of information are used in the roll maintenance process. Mr. Holland said they utilize state vital statistics, criminal, and mental capacity adjudication records from government agencies. About 10% of SOE mailings come back as undeliverable which triggers a system of review. With regard to challenges to voter eligibility, Mr. Holland said if his office gets a report from a private entity claiming illegal voter activity, that triggers a review of the allegation with government agencies. The SOE can't just take the word of an individual challenging another individual's eligibility to remove someone from the voter rolls. He said the SOE has used age records (looking for persons listed as being over 100 years old) as a clue to look further at voter registrations. Returned mail by the Post Office is the key to lots of list maintenance but if mail is not returned then you don't know why not. The multi-state ERIC voter registration monitoring system is problematic because some states allow non-citizens to register to vote in local elections, which Florida prohibits.

Chairman Pringle asked why VBM use might be declining. Mr. Holland said there was a state law change that requires voters to re-request a VBM ballot after every general election. One political party also strongly discouraged it so many voters in that party stopped using that method. The easing of the COVID pandemic also means more people are coming back to the polls rather than voting by mail. Ms. Phillmon said Eagle AI is a commercial product that searches various information sources to look for potentially ineligible voters and asked about how that system would be viewed as a source for a voter eligibility challenge. Mr. Holland said there is no difference between Eagle AI and an individual person wanting to challenge voters – they would both have to do their due diligence and make a compelling case for what they are alleging. Mr. Holland strongly cautioned against filing affidavits alleging that people are not eligible to vote on the basis of the apparent ethnicity of their name, clothing, etc. because that opens up the person making the allegation to a legal challenge. Filing frivolous challenges to intimidate voters is illegal. Challenges must be filed for singular cases, not in batches for classes of people. Robert Phillips

described the process for processing and verifying or refuting challenges. Ballots cast by voters whose eligibility is being challenged are withheld from counting and the Canvassing Board makes final determinations on eligibility after the election is completed. Mr. Phillips and Mr. Holland both said that kind of allegation by an individual is very rare – neither could ever remember it happening in Jacksonville. Ms. Martinez said the state takes evidence produced by Eagle AI as a basis for starting investigations into eligibility. Mr. Holland said his office never defaults to removing names from the voter rolls just because an allegation is made - there has to be substantial, verifiable evidence to back it up.

Lanelle Phillmon asked about the settlement of the 2023 lawsuit alleging an equal protection violation over the varying number of voting precincts per council district. She said she understands there might be problems in Council District 10 because of the district’s population and the location of early voting sites. Supervisor Holland said District 10 had the largest number of voting precincts despite the fact that it was one of the smaller districts geographically. The city used to have 299 voting precincts, now we have 160 because many potential sites don’t want to be a polling place for various reasons. District 10 has 12 precincts which is on the high side of the mean. If every district could locate 1 more precinct (raising the minimum from 10 to 11), then District 10 could go from 12 to 13 and remain in compliance with the settlement agreement. The SOE has ensured that now there are early voting sites in all council districts, 12 on one side of the river and 12 on the other side to ensure fairness. Gloria Einstein asked if Mr. Holland thought of challenging the suit rather than settling and trying to make an argument to defend the previous system. He said General Counsel’s Office attorneys said they couldn’t propose a viable defense, so it made more sense to settle. There would have been chaos if the case had gone to trial and only got resolved this year just before the elections.

Chairman Pringle asked what might be improved for future elections. Mr. Holland said his staff have been gradually making incremental changes for the better: all the voting equipment has been changed out, they have improved building security with electronic card access and security cameras, online poll worker training is now available, they have managed to obtain more equitable poll worker political diversity, etc. He said he is asking for some enhancements in the upcoming budget process. Voter roll maintenance is always a top priority. He suggested that a legislative change to put a citizenship indicator on driver’s licenses would be a big help. He said would like to build a single consolidated elections center downtown but that is a long process. Gloria Einstein returned to the discussion earlier in the meeting about the purpose of identifying 100-year-old registered voters; Mr. Holland said it was part of the voter roll maintenance effort to identify potentially deceased voters, remove them from the rolls, and save money from sending mailouts to deceased voters.

#### Old Business

None

#### New Business

EAP annual report adoption

**Motion** (Martinez/2<sup>nd</sup> Phillmon) – approve the Election Advisory Panel’s 2023-24 annual report as distributed.

Gloria Einstein suggested providing fuller descriptions of the listed items in next year’s report to convey in more detail the nature of the discussion of the issues and any actions taken.

**The motion was approved unanimously.**

#### Chair’s comments

None

## Public comment

Joseph George thanked Robert Phillips for his recent participation in a meeting held at the IBEW Local 177 headquarters. He asked what percentage of mail sent out by the SOE is returned. Supervisor Holland said 10% of mailed voter cards come back. Also, data from the Post Office says that about 20% of the city's population moves each year, some of which is flagged by Post Office to the SOE through returned mail. Mr. George said he is a former American Postal Workers Union official and is glad to hear that the Jacksonville post office is doing a good job. He asked about the possibility of using the controversial City-acquired building in Brentwood, now proposed to be a small business center, as an early voting site. Mr. Holland said it was looked at but wasn't really suitable for that use because of its size and very limited parking.

Elgin Foreman asked if the SOE would do a town hall meeting in District 10 with prominent advance notice in the Black press to discuss early voting sites and precincts in order to obtain citizen opinion. Mr. Holland said he met with every district City Council member to get their OK on voting sites in their districts and took their advice on what locations were best. He said he is very open to doing a town hall in District 10 with Council Member Pittman. Mr. Foreman said there needs to be great publicity about the meeting and the Black press needs to be highly involved.

Lorrinn Woods said she likes the idea of hybrid in-person and online poll worker training. She is discouraged that a political party would discourage voting by mail because it is so important for many kinds of people. She would like to see a voter referendum on the Downtown Master Plan, which needs more arts and culture resources and heritage tourism and not so much focus on building housing. Jacksonville's downtown is not being properly developed. There is so much history and culture that is not being taken advantage of. The public needs to vote on what happens downtown.

Mr. Holland said the Supervisor of Elections can't put referenda on the ballot; they are placed on the ballot by action of the Florida Legislature, the City Council, or by a citizen petition drive.

Ka-Tay Bennett said the federal government is not keeping up with immigrants crossing the border and questioned who should be doing something about that as required by the US Constitution.

Mr. Holland said non-US citizens can get a Social Security number and an immigrant can get a driver's license without being a citizen. There are people looking at that and they want to do a better job. Carmen Martinez said millions of people are coming across the border and getting documentation of some kind. Mr. Holland said without a driver's license and Social Security number they can't register to vote.

Rosemary McCoy said All Voting Is Local Florida advocates for more voting access, particularly more voting precincts. The fact that the city's population is relatively equal on both sides of the river doesn't take into account conditions that impact voters differently in different parts of town – lack of public transportation, age, poverty, etc.

Beth Heath representing the Northeast Florida Election Team said our current voting system relies too much on computers and software which have ever-rising costs. Hand counting ballots is preferable to machine counting. Other jurisdictions are doing hand counts which keeps the money spent hiring workers to do those counts in the local community rather than going to out-of-town tech companies. Hiring part-time workers to do the counts in smaller precincts makes more sense. She has watched a demonstration of manual counting and believes it works. In response to a question from Chairman Pringle, Ms. Heath said many people don't have confidence in machine counts because they are under the control of the

corporations that develop the hardware and software that does the counting. Carmen Martinez asked if Ms. Heath had gotten information from the SOE on the cost of ballot counting; she said she had. Mr. Holland said he would generate some cost figures for the next EAP meeting and would be ready to discuss election security. He said counting all races by hand with the 20+ races/issues that often appear on a ballot will take a long time and cost a lot of money. The counts would have to be done at the precincts rather than in a central location so the city would need many hundreds of precincts to make that practical. It would likely take 2-3 weeks to complete a manual vote count rather than the several hours now possible with the high-speed tabulators.

Chairman Pringle said the concept of manual counting will be on the EAP's next agenda.

Joy Burgess asked why an early voting site was eliminated in District 10 and asked how the word will be disseminated to voters who are creatures of habit and will go to vote where they have always gone. Mr. Holland said every voter is notified at least twice – with a new voter information card after precinct revisions take place and again when a sample ballot is mailed for each election. He takes every opportunity to urge the public to prepare in advance and know when and where to vote. The settlement of the equal protection challenge was about fairness citywide and he is willing to make changes and have more precincts if it can be kept fair for everyone. District 10 still has 2 early voting sites while some districts just got their first. He said it is extremely hard to find good polling places. Jacksonville has more early voting sites per capita than any other county in Florida. Mr. Holland said he will bring a map to the next meeting that shows how close they are to reaching their goal of having an early voting site within 4 miles of every voter. He said his office makes every move with the goal of not giving any party, candidate or side of town an advantage over others.

Next meeting

September 18, 2024

There being no further business, the meeting was adjourned at 4:59 p.m.

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