



DUVAL COUNTY ELECTION ADVISORY PANEL

PRELIMINARY MINUTES

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

September 18, 2024

3:00 p.m.

**Don Davis Room
1st floor, City Hall**

Attendance: Panel Members Lanelle Phillmon, Gloria Einstein, Daniel Henry, Robert Phillips, Robert Maldonado (via telephone), Carmen Martinez

Excused: None

Absent: Panel Members Ray Pringle, Austin Kwikkel

Also: Jeff Clements – City Council Research Division; Justin Gicalone – Supervisor of Elections Office

In the absence of the Chair and Vice Chair, Daniel Henry called the meeting to order at 3:06 p.m. and the attendees introduced themselves for the record.

Approval of Minutes

The minutes of the June 26, 2024 meetings of the Election Advisory Panel were moved for approval. Gloria Einstein said that on p. 6 in the last sentence of the discussion before Old Business, the intent of her question about voter roll maintenance was to ask if there was any indication of voter fraud that had led to the list maintenance, and Supervisor Holland had said there was no evidence of fraud, and this was routine maintenance. She requested that the sentence be amended to reflect that intent.

Motion (Einstein) approve the minutes with the requested amendment - **approved unanimously via a voice vote.**

Supervisor of Elections report

Robert Phillips said turnout was 19.6% for the August primary, which will change dramatically for the November presidential election when over 75% turnout is expected. In response to a question from Carmen Martinez, Mr. Phillips said turnout was slightly higher for registered Republicans at 25.4% than for Democrats at 23.5%, with a substantially lower number of NPAs and other parties voting. Almost the same number of voters cast ballots via early voting and in person at the polls on election day. Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA) military and overseas vote-by-mail (VBM) ballots for the general election have been sent out, and local VBM ballots will go out next week. Sample ballots are available on the website and will be mailed to all voters on October 14th.

Ms. Einstein asked if military contractors could get UOCAVA ballots – Mr. Phillips said they could. Lanelle Philmon asked about the number of uncured VBM ballots in the August primary – Mr. Phillips said very few, and he will report on the general election at the next meeting. Ms. Einstein asked about the difference between signature issues vs. other reasons for VBM problems. Mr. Phillips said the biggest problem is voters not signing the ballot at all.

Carmen Martinez asked what would happen if the Safeguard American Voter Eligibility (SAVE) Act is passed by the Congress preventing non-citizens from voting; Mr. Phillips said the SOE doesn't speculate on things they don't currently have to comply with. If it were to pass, then they would get guidance from the Florida Division of Elections and the other SOEs to see how best to handle it. Lanelle Phillmon asked if the SOE's budget is sufficient for the November election; Chief Deputy Supervisor Justin Gicalone said any shortfalls have been shored up by shifting funds in the current year's budget and getting grants from the federal government. Mr. Phillips explained that there was a grant received by the SOE 15 years ago that had accumulated considerable interest earnings over the years what was tapped for this year's needs. Ms. Martinez asked about the sources of grants to the SOE; Mr. Phillips said only from the federal government through the Florida Division of Elections. Daniel Henry said he recalled that a state law was passed several years ago to prevent election offices from taking grants from any non-governmental organizations.

Lanelle Phillmon asked about poll worker recruiting for the November election. Mr. Phillips said they are not recruiting at this time because they feel very confident that they have enough trained workers to do the job and are calling in more workers to be on standby on Election Day in case they're needed. In response to a question from Gloria Einstein, Mr. Phillips said the training is being offered in waves based on the position involved, with some workers having to take more modules than others.

Daniel Henry asked about reviewing VBM ballots for completeness each day versus in tranches. Mr. Phillips said they review in tranches so as not to count just a few ballots a day. There will be so many VBM ballots cast in the November election that they'll be reviewing daily. Mr. Henry asked about the process of using of a third-party vendor to send emails or make phone calls to contact voters about curing faulty VBM ballots. Mr. Phillips said they still use the same vendor as several years ago who makes the contact if the voter has provided an email address or phone number where they can be contacted. Mr. Henry asked if the SOE still uses 2 tiers of signature review; Mr. Gicalone said SOE staff review is one level and the Canvassing Board is the second level. Mr. Henry noted all VBM ballot requests will expire after the general election and asked if the SOE planned to send notices to all current VBM requestors to remind them to renew their standing application after the election. Mr. Phillips said there are no elections scheduled for 2025 so the SOE will have to decide whether it makes sense to send such a reminder in 2025 or wait until closer to the 2026 elections. Mr. Gicalone said the SOE put a note on all its mailings this year reminding voters that they have to renew their VBM request. Mr. Henry asked if that mailing would occur during the FY25-26 budget; Mr. Phillips said it would. Mr. Henry asked about the payment basis for the third-party contractor and whether it is based on the number of contacts attempted. Mr. Gicalone said he thought the cost was 10-15 cents per attempt.

Gloria Einstein said former Supervisor of Elections Mike Hogan had previously said that signatures would be evaluated 4 times before being rejected and asked if that policy had changed. Mr. Phillips said the process has changed over time. Supervisor Holland plans this year to have the Canvassing Board meet on an almost daily basis during the election so they will get to make the calls on signature matches immediately, which the political parties like for sake of efficiency. He explained the process of looking at VBM ballots to verify signatures. Nothing is rejected based on a computer analysis of signature – it's always a human being making the call. Overwhelming VBM volume is not a problem in Jacksonville so a

machine verification system is not as cost effective here as it would be in Washington State, for example, where all elections are conducted by mail and every ballot signature must be evaluated.

Carmen Martinez asked who will be getting the VBM renewal reminders – all registered voters or just those who have requested VBM ballots in the past. Mr. Phillips said that is a policy call for Supervisor Holland to make. Ms. Martinez said her preference would be no voting by mail at all, to which Mr. Henry replied that it is a method allowed by state law. Mr. Henry asked if the signature cure system could be used to send notices to everyone who uses VBM; Mr. Phillips said it could. Mr. Henry said he favors finding the most cost-efficient way to remind everyone to renew their VBM applications.

Mr. Phillips reported that there will be 24 early voting sites, and the days and times of operation have been set: Monday through Friday from 7 a.m. to 7 p.m., Saturday and Sunday from 8 to 5, and poll workers will work a 12-hour shift. Mr. Henry said the Southeast part of the city finally got an early voting site in August and asked about turnout there and at the Maxville site. Mr. Phillips said it is difficult to judge after just 1 election with the low turnout of the primary. The November presidential election will be much more informative. He will bring information on EV turnout at all sites for August and November to the next meeting.

Old Business

Manual ballot counting: raised as an issue by Beth Heath in the Public Comment period at the last meeting. Mr. Phillips said state law requires that 2% of the races in every election must be hand counted to be verified against the machine tabulation and in August it took 3 teams of workers (early vote, VBM, election day) 45 minutes to do that count. It would take 70 days to do the count if that example was extrapolated to all votes in a general election. He explained the process by which the hand recount takes place. Ms. Martinez said there was a bill in the last session of the legislature to require 10% of ballots to be hand-counted and asked if that was a good idea. Mr. Phillips said every audit he's ever been involved in has shown the machine count to have been 100% correct. Hand counting does verify if the machine counters got it wrong. As much as the mandatory hand recount process is advertised, no one ever comes to watch it take place. He said the cost would be astronomical to do full hand-counting for an election and would take weeks to accomplish, so that does not engender public trust in the system.

Election security: Carmen Martinez reported that Florida Secretary of State Cord Byrd said election security laws had not been updated in over a decade. Mr. Phillips said the SOE gets periodic reviews by the Sheriff's Office and other law enforcement agencies of their facilities and always get good reviews. Security for election workers is always a concern and they are trained on safety. State law prohibits uniformed officers from being inside a polling place, so that limits what can be done. Lanelle Phillmon asked if there are any plans for enhanced security for the November election; Mr. Phillips said there is not, although they are in frequent communication with JSO about potential threats.

In response to a question from Daniel Henry about whether there is any progress on a new, unified election center, Mr. Phillips said the SOE has renewed its lease for the operations center at Imeson Business Park.

4-mile radius for all voters to an early voting site: Mr. Phillips said achieving that goal not currently possible given the size of the county and the lack of suitable facilities in some rural areas. Supervisor Holland has that as a goal and the new Oceanway Library will help meet that goal on the Northside when it's built.

New Business

Budgetary appropriations: Mr. Phillips said the SOE's budget is sufficient for the year, and they don't anticipate any other needs. Mr. Henry asked if the accumulated interest on the grant mentioned earlier is depleted after the recent appropriation; Mr. Phillips said he didn't know the status of that fund.

Meeting schedule for 2025: Daniel Henry said in a no-election year the EAP usually meets quarterly. Carmen Martinez said there will be nothing to talk about unless there are changes in state laws. Mr. Phillips said December is usually a year-end wrap-up meeting. The group tentatively agreed to meet on March 19, June 18, September 17 and December 17, 2025 (third Wednesdays of the month), pending room availability.

Ms. Martinez said she had talked to Supervisor Holland about the Eagle AI voter roll verification software that is being used by the Florida Fair Elections Coalition, which is reporting registration anomalies to Florida Secretary of State Cord Byrd. She said she understands the Georgia-based company does not want the inexpensive program used by election offices but rather by third parties. Lanelle Phillmon asked what information sources that system uses; Ms. Martinez said it is 7 or 8 documented sources that election offices already use, with this software acting as an aggregator of information available from those sources into an easy-to-read spreadsheet. Gloria Einstein said AI has biases in its algorithms and almost no one understands how it works so there is a danger of biased outcomes. Ms. Martinez said Eagle AI is not really an AI product, but just a data aggregator. Daniel Henry said the State of Florida pulled out of participation in the national ERIC (Electronic Registration Information Center) system over concerns about the sources and reliability of the data and wondered if Eagle AI would have the same issues. Ms. Martinez said she understood that 3 people have been flagged in Jacksonville and removed from the voter roll as a result of the system's findings. Mr. Henry asked if the SOE had gotten any lists or contacts from Eagle AI about potentially ineligible voters; Mr. Phillips said not to his knowledge. He said the SOE is limited by law as to what data sources it can use for roll maintenance. Ms. Einstein said she would be very concerned about untrained volunteers using the system to pursue a personal agenda. The risk of disenfranchisement is troubling. Ms. Phillmon said it sounds like this would be a top-down issue if the Secretary of State is involved.

Mr. Henry asked if the SOE knows the universe of people who will be moved to ineligible voter status if they are in the inactive category now and don't vote in November or update their registration. Mr. Phillips said there are 90,000 inactives now who would be moved to ineligible if they don't vote in 2 consecutive general elections, but lots of people vote in the presidential election only and would therefore not be swept to the ineligible category if they vote in November. Mr. Henry said Jacksonville has a lot of young and transient voters who might end up with incorrect addresses on file as a result of moving and not be able to vote. Mr. Phillips said if they vote early, they can vote anywhere. Any contact with the SOE puts a voter back into active status (phone call about a polling place, request for a VBM ballot, request for a new voter ID card, etc.). Ms. Phillmon asked if a public relations blitz is being planned to reach people who have moved since the last election to remind them to register their current address because a recent media report may have confused people about inactive versus ineligible status. Mr. Gicalone said there was an error in the *JaxToday* article Ms. Phillmon was referencing that has since been corrected; no one is ever placed on inactive status for not voting – only for having a piece of SOE election mail returned as non-forwardable and undeliverable. If the undeliverable mail is not returned to the SOE then they don't know the voter isn't at the address anymore. In response to a question from Ms. Phillmon about clarifying the status of voters who may be registered but have not voted in years until a particular candidate sparks their interest, Mr. Phillips said those candidates often trigger the media to do stories about new voters and that gives the SOE the opportunity to get the right information out to the public.

Carmen Martinez reported that there is a new lawsuit pending to renew the consent decree to limit the activities of Republican Party poll watchers and poll workers. Mr. Phillips said Jacksonville is not subject to any restrictions on poll watchers of any party.

Chair's comments

None

Public comment

Nancy Staats said she wonders why 15% of registered voters are inactive and why turnout is so low. A new state law targets people who move frequently and whom SOE mail doesn't reach, so the young and economically disadvantaged are more affected. She suggested using email and texts to communicate instead of Postal Service mail. She has been a poll worker and poll watcher in the past and feels this year's poll worker training manual is different than in the past and asked why that is the case. In the past the poll workers were there to help people vote and only asked if their registration information on file was correct – now the manual says that if a voter's identification doesn't match the address on record, the poll worker must ask the voter to recite their address aloud. Also, a poll worker now has the ability to challenge a signature and require the completion of an affidavit on the spot or the casting of a provisional ballot, which has never been the case previously. Voters are also prohibited from taking a VBM ballot into the voting booth, even if it is torn by the poll worker and can't be submitted, and that's bad. She asked if the SOE had any reaction to media reports of people going to private residences to question whether voters have actually signed the petition for the marijuana amendment #4 even after they have been verified by SOE offices which seems to be voter intimidation. She said Jerry Holland is a great supervisor and his office is above reproach for integrity.

Mr. Phillips said they recognized that the changes in state law were going to be problematic. There is a statewide poll worker manual that has the force of law, and the local SOE has to abide by what the state requires. He said the prohibition on VBM ballots in the voting booth is for security reasons so there is no possibility of double voting because no voter will ever have two legal ballots at once. State law does allow a voter to take a photo of their VBM or sample ballot to use in the booth to assist in their voting. Mr. Gicalone said the poll worker manual was previously changed 4 years ago and the new one just came out in July of this year with the newest changes.

Joy Burgess said she is concerned about changes in council districts and polling places and wants to get the word out to District 10 residents about the changes in their district. She thanked the SOE employees for their great work and for being good community partners. Citizens react very positively to their presence, answering questions, demonstrating the EZVote machines, etc. She asked why UNF is not an early voting site because there are so many potential voters there. Mr. Phillips said UNF is right between 2 other nearby early voting sites – the Pablo Creek and Southeast libraries. Lots of the UNF students are commuters and vote at their home address or are from out of state and would be voting by mail anyway. UNF didn't want an early voting site on campus and charged \$10,000 the last time it was used. Parking availability is also problematic, and the turnout was very small there. Daniel Henry said the FSCJ Deerwood campus would be much better than UNF as an early voting site.

Next meeting

December 4, 2024

There being no further business, the meeting was adjourned at 4:50 p.m.

Jeff Clements, Council Research Division
(904) 255-5137 jeffc@coj.net
Posted 10.17.24 11:30 a.m.