



**MIAMI-DADE COUNTY
FINAL OFFICIAL MINUTES
Mayor's Elections Advisory Group**

Stephen P. Clark Government Center
111 N.W. 1st Street
Miami, Florida 33128

February 1, 2013
As Advertised

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CLERK'S SUMMARY AND OFFICIAL MINUTES
MAYOR'S ELECTIONS ADVISORY GROUP
FEBRUARY 1, 2013

The Mayor's Elections Advisory Group (EAG) convened at 9:00 a.m. on February 1, 2013, at the Stephen P. Clark Government Center, 111 NW 1 Street, 18th Floor Conference Room, Miami, Florida, 33128. The following members were present Miami-Dade County Mayor Carlos Gimenez; Commissioner Dennis Moss; Ms. Alice Ancona, Mr. Kendall Coffey, Mr. Robert Fernandez, City of Miami Gardens Mayor Oliver Gilbert, III, Mr. Murray Greenberg, Ms. Lovette McGill, Ms. Gepsie Metellus, and Mr. C.J. Ortuno (Members Commissioners Lynda Bell, Sally Heyman and Rebeca, Sosa and Bishop Victor T. Curry were absent).

The following staff members were also present: Deputy Mayor Alina Hudak; Assistant County Attorney Oren Rosenthal; Supervisor of Elections Penelope Townsley; Office of Intergovernmental Affairs Director Joe Rasco; Cristina Crespi, Office of the Mayor; and Deputy Clerk Mary Smith-York.

WELCOME

Mayor Carlos Gimenez called the meeting to order at 9:30 a.m. and welcomed everyone in attendance.

APPROVAL OF MINUTES

It was moved by Commissioner Moss that the Clerk's Official Minutes for the EAG meetings held on November 28, 2012, December 14, 2012, and January 7, 2013 be approved as presented. This motion was seconded by Mr. Ortuno, and upon being put to a vote, passed by a unanimous vote of those members present.

Deputy Mayor Alina Hudak provided a brief overview of the purpose of today's (02/01) meeting. She stated that EAG members unanimously supported the recommendations that resulted from a lengthy discussion, at the last meeting, regarding the Elections Department's "After Action Report." Ms. Hudak advised that the Supervisor of Elections and the Assistant County Attorney were prepared to present additional information and findings generated from specific analyses requested at that meeting. She stated that also on today's agenda was a Draft Elections Advisory Group Report for members' review and feedback, and ultimately the Mayor's signature for presentation to the County Commission. Ms. Hudak noted the Draft Report addressed some of the concerns raised at the last meeting and were the subject of some of today's presentations. She indicated the attachments to the Draft Report included the County's Legislative Package, the After Action Report, other previously reviewed information components, as well as detailed analyses requested by this Group.

The following proposed Legislative Priorities were read into the record by Mayor Gimenez for the EAG members' review and final approval:

1) Expansion of Permissible Early Voting Sites – recommends the expansion of allowable facilities eligible for use as early voting sites.

Hearing no objection, EAG members accepted the foregoing priority as presented.

2) Early Voting Days – recommends extending the availability of early voting from eight (8) to nine (9) days, which included the last Sunday before Election Day.

Mayor Gimenez requested the language be amended to read “recommends extending early voting from eight (8) to at least nine (9) days...”

Commissioner Moss noted he felt the Governor strongly supported 14 days early voting and suggested that the EAG consider extending early voting to 14 days with the second Sunday included in those 14 days. He pointed out that this would provide counties with the option to extend to 14 days and the flexibility to smaller counties to hold shorter early voting periods.

Ms. McGill advised that discussion held at the Senate hearings appeared to lean towards granting each Florida County the flexibility to decide what the appropriate early voting period was for that county. Stating that she was unsure of the will of this Group, Ms. McGill asked the Mayor for clarification on why the initial recommendation proposed nine days.

Mayor Gimenez explained that the Group initially sought the number of days that would attract the least amount of resistance. He indicated he was more concerned with inclusion of the second Sunday, and expressed his support for a 14-day extension. He noted he supported Commissioner Moss’ recommendation.

It was moved by Commissioner Moss that the language in recommendation no. 2 be amended to provide that early voting be extended to 14 days, including the second Sunday. This motion was seconded by Ms. McGill, and upon being put to a vote, passed by a unanimous vote of those members present.

In response to Mayor Gimenez’ recommendation that this amended language be presented before the County Commission for approval, Ms. Hudak advised that the Administration would initiate the appropriate process for amending the County’s Legislative Package and presenting it for the County Commission’s approval.

3) Referendum Proposed by Legislature Regarding Ballot Language – recommends limiting the ballot language for constitutional amendments to a maximum of 15 words for title and 75 words for ballot summary.

Hearing no objection, EAG members accepted the foregoing priority as presented.

4) Ballot Canvassing – recommends extending the number of days that Supervisors of Elections are permitted to canvass ballots, from 15 days to 20 days.

Hearing no objection, EAG members accepted the foregoing priority as presented.

- 5) **Discontinue “Absentee Ballot” Term** – recommends discontinuing the term “Absentee Ballot” and replacing it with “Vote by Mail.”

Mr. Ortuno pointed out that this recommendation should not be included as a priority.

Mayor Gimenez concurred that this recommendation was not critical.

Hearing no further discussion, EAG members accepted the foregoing proposed priority as presented

The EAG members proceeded to review the following departmental recommendations approved at the previous meeting for final approval:

- **Recommendation - Use of County Employees**

In response to Mayor Gimenez’ inquiry as to whether this was the EAG’s recommendation, Deputy Mayor Hudak advised that it was adopted as part of the recommendations included in the After Action Report.

- **Recommendation – Improve Technologies for Enhanced Processes**

Hearing no objection, EAG members accepted the foregoing priority as presented.

- **Recommendation – Increase Early Voting Sites**

Hearing no objection, EAG members accepted the foregoing priority as presented.

- **Recommendation – Establish Performance Measures for Wait Times**

- **Allow Absentee Ballot Drop Off at Precincts on Election Day**

Ms. Hudak advised that during discussion at the last meeting, EAG members requested additional information relating to the Performance Measures recommendation and a Secretary of State Advisory Opinion pertaining to the Absentee Ballot Drop Off on Election Day recommendation. She stated staff was prepared to make their presentations on the requested information today.

REVIEW RESPONSES TO OPEN ISSUES

Ms. Penelope Townsley, Supervisor of Elections, greeted EAG members and expressed her appreciation for their acceptance of all of staff’s recommendations at the last meeting. She noted the additional recommendations made by the group included: Overall Year-round Outreach; Collaboration with Community-Based Organizations (CBO), Chambers of Commerce, and Economic Development Agencies; and Increased Supervised Voter Program. Ms. Townsley stated the department had begun identifying County-supported CBOs, Chambers of Commerce, and other organizations that represented the diversity of this community. She noted the objective was to engage these organizations in the department’s outreach and education efforts, poll worker recruitment, the supervised voting program, and hopefully voluntary administrative support for the department.

Ms. Townsley indicated she would address the EAG's additional requests in the following order: 1) Precinct Level and Early Voting Site Analysis; 2) Absentee Ballot Advisory; 3) Wait Time Analysis; 3) Status of Re-precincting Efforts; and 4) Fiscal Impact of Departmental Recommendations.

Precinct Level/Early Voting Site Analysis – Pertaining to precinct levels, Ms. Townsley advised that a survey was conducted among key Election Day poll workers, seeking their perspectives on what went well and what presented challenges. Directing members' attention to Attachment D, Ms. Townsley advised that of the 83 percent who responded, 85 percent indicated overall smooth operations due to adequate equipment and supplies and prepared voters and 15 percent indicated overall challenges due to the lack of additional equipment and supplies, lengthy ballots, unprepared voters and unreliable and insufficient staff. Ms. Townsley stated the same survey was conducted for early voting and the findings were reflected in Attachment E. She noted that of the 95 percent who responded, 58 percent indicated an overall a smooth operation was due to sufficient equipment and supplies and prepared voters and 42 percent attributed challenges to heavy voter turnout, inadequate staffing, and limited space. Ms. Townsley noted staff believed that Election Day and early voting challenges were addressed and would be resolved through implementation of the department's legislative and administrative recommendations.

Absentee Ballot Analysis – Regarding the requested legal opinion from the State as to whether a voter could drop off or cast his/her absentee ballot in the precinct on Election Day, Ms. Townsley advised that a formal opinion had not yet been received. She stated that staff was referred to an existing opinion still in effect that stated voters were prohibited from delivering their absentee ballots to the poll workers on Election Day. Ms. Townsley stated she was informed, during a conversation with the Secretary of State representative, that under no circumstances should an absentee ballot be inserted into a tabulation machine, but should be canvassed in the same manner as other absentee ballots. Ms. Townsley advised that, in the absence of a formal opinion, the department believed a change in State law was necessary to implement this proposed change in the process. She pointed out, however, that with 829 precincts countywide, implementing this process would present a logistical challenge and delay reporting of Election Day results.

In response to Miami Gardens Mayor Gilbert's request for clarification on how absentee ballots being tabulated at the precincts would delay reporting, Ms. Townsley stated there would only be a delay if the voter dropped off his/her ballot at a precinct, making it necessary for the department to transport the ballot to headquarters for processing. In response to Mayor Gilbert's question as to whether a delay would be caused by absentee ballots being cast at the polling place by the voter, Ms. Townsley stated no logistical challenge would result from this action.

It was moved by Miami Gardens Mayor Gilbert that the EAG recommend a change in State Law to allow voters to cast their absentee ballots at their assigned precincts on Election Day. This motion was seconded by Ms. Metellus, followed by discussion.

In response to Ms. Metellus' inquiry as to whether a different tabulator machine would be necessary if absentee ballots were cast at precincts, Assistant County Attorney Rosenthal advised that, pursuant to State Law, absentee ballots must be segregated from Election Day ballots during early voting and on Election Day.

Pertaining to Miami Gardens Mayor Gilbert's comment that special coding could alleviate the need for separate machines, Mr. Rosenthal advised that such measures could possibly be implemented; however, absentee ballots could not be tabulated with regular Election Day ballots as currently coded. Continuing, Mr. Rosenthal noted any equipment or machine related to counting ballots must go through a lengthy State certification process. He advised that the EAG should direct staff on what changes to State law and technological solutions it desired to implement, stating that if the technological solutions were unavailable, the legislative changes would allow for process to move forward.

In response to Miami Gardens Mayor Gilbert's comment that absentee ballots were currently coded differently, Mr. Greenberg stated the technological issues would not be resolved at today's (2/1) meeting. He noted there was consensus among EAG members to request State law be changed regarding absentee voting and recommended the group move forward with that recommendation.

Commissioner Moss suggested the EAG move forward with both options: to seek legislative changes and to research available technological possibilities.

Discussion ensued among EAG members and staff regarding the intent of the restrictive language in the subject legislation being to enable tracking of absentee ballots. Mayor Gimenez pointed out that the desire was to eliminate tracking capabilities from the voting process.

In response to Ms. McGill's request for clarification on the content of the motion, Mayor Gimenez noted his belief that the opinion of the group was that voters should have the option to receive a ballot and fill it out in the comfort of their homes, and to have a choice to either mail it back or use it to cast their votes at the polls on Election Day. He added that the department would benefit from voters taking their completed absentee ballots to the polls to be tabulated, because it would expedite the process.

Assistant County Attorney Rosenthal advised that the motion would be to include in the EAG's Final Report to the County Commission a recommendation to change Florida statutes and allow voters to cast their absentee ballots at polling places on Election Day, and noted that under the sponsorship of a commissioner, it would become part of the Legislative Package.

Maximum Wait Time Analysis

Ms. Townsley stated that a review of Business' Best Practices revealed that three states, Ohio, New York, and Arizona, had considered the feasibility of establishing a maximum wait time for voters. She noted that Ohio determined that establishing a maximum wait

time was not a practical standard for the state; that Arizona defined a maximum wait time of one hour, primarily for pre-election planning, with two corrective actions of moving voters to an alternate location and installing additional equipment; and that New York allocated equipment based on a policy goal of no more than 30 minutes wait time. Ms. Townsley listed some of the reasons given for not being able to establish maximum wait times, including no benchmark for unreasonable wait time, diversity of elections and timeframes, difficulty in enforcement of penalties and remedies.

Ms. Townsley stated that approximately 5,000 Face Book followers were asked how long they were willing to wait to vote: 0-30 minutes; 30-60 minutes; 60-120 minutes; or as long as it takes. She noted that of the approximately 500 responses, the majority selected the option "as long as it takes." Ms. Townsley explained that the department had concluded that one hour maximum wait time was feasible; however, this should be included as an aspiration and used by the department as a management tool for pre-election planning.

Mayor Gimenez concurred with Ms. Townsley's request that one hour as the maximum wait time be established as an aspirational goal and noted he was concerned that the department had not previously established a goal at all.

Miami Gardens Mayor Gilbert noted he received approximately 5,000 responses from his Face Book friends in support of one hour as a reasonable wait time.

Status of Re-precincting

Ms. Townsley advised that the re-precincting analysis was currently being developed and noted the goal was to present the County Commission with a report by late fall, 2013. She noted some of the factors being considered in development of this plan included equitable distribution of voters, registered voter growth, and adequacy of polling place accommodations.

In response to Mr. Ortuno's inquiry as to why no reference was made to early voting during the discussion on absentee ballots drop off, Deputy Mayor Hudak advised that currently, absentee ballots could be dropped off at any early voting site. However, she noted, those ballots were not processed at the various early voting sites, rather were transported to Elections Department Headquarters for processing.

Mr. Rosenthal explained that there was no concern with delaying the results due to transporting absentee ballots during early voting since this was an Election Day activity.

In response to Commissioner Moss' question as to whether policy existed that required elderly and disabled voters be given special assistance, Ms. Townsley advised that a door policy was in place. She stated that, during early voting and on Election Day, elderly and disabled voters were provided a seat in a waiting area and companions would serve as their proxy in line until their time to vote.

Commissioner Moss asked Mayor Gimenez to research what additional resources could be provided to further assist elderly and disabled voters and pointed out that event waiting areas were not available at all voting sites.

Mayor Gimenez acknowledged this request and noted that he would ensure that waiting areas for elderly and disabled voters to sit would be a consideration during staff's analysis of potential voting sites.

Fiscal Impact of Departmental Recommendations

Ms. Townsley provided directed members' attention to Attachment C: Recommendations and Fiscal Impacts from the November 6, 2012 General Election After Action Report, page 1, and explained that the impacts organized by voting methods. She advised that for early voting, the estimated fiscal impact for ten (10) additional sites would be \$1,714,140.00 and twenty (20) additional sites would be \$3,312,360.00. Ms. Townsley pointed out that the estimates provided were based on the previous recommendation for an early voting period of nine (9) days and must be revised to reflect the changes proposed today (2/1). Continuing, she noted the resources for early voting were expected to impact the County's FY 2015-16 Budget.

In response to Miami Gardens Mayor Gilbert's inquiry as to the high cost for staffing when using County employees, Ms. Townsley noted her understanding was that County employees would be utilized for General Elections only; not for early voting.

Discussion ensued among EAG members and staff regarding whether County employees should be trained and employed as poll workers during early voting periods. Mayor Gimenez pointed out that 2,000 employees were under the Mayor's purview and noted he would implement this process as much as possible within his jurisdiction. Issues discussed included the length of the early voting period impacting the practicality of using County employees and the need to provide department heads with prior notice.

Mayor Gimenez stated that County employees would serve as poll workers and would be trained professionals, adding that this reduced the fiscal impact since those employees would be earning salaries already. He noted the \$1,057,500 estimated for the deployment of additional equipment would be a one-time expense and therefore the total fiscal impact was very reasonable.

Ms. Metellus expressed concern with County staff being limited in their abilities to adequately fulfill certain language needs given the County's diverse cultural makeup, and pointed out that poll workers must also be a U.S. citizen.

Ms. Townsley stated, in response to Mayor Gimenez' question, that in order to work at the polls, individuals must be registered electors of Miami-Dade County rather than the State of Florida.

Ms. McGill expressed her concerns regarding County employees who resided in Broward County and were not registered electors of Miami-Dade County, and asked what would

become of the pool of veteran poll workers from the community who depended on elections as a source of income.

Ms. Townsley advised that in order to achieve the 6,000 to 10,000 poll workers needed for Countywide elections, the department would utilize those residents from the poll worker pool to supplement the County employees at the polls.

Following further discussion, Mayor Gimenez noted he felt the law prohibiting non-County residents or non-registered electors from working at the polls needed to be changed to remove those restrictions.

It was moved by Mayor Gimenez that the EAG recommend that a legislative change be made to remove the requirements that poll workers in Miami-Dade County must be registered electors of, and reside in Miami-Dade County. This motion was seconded by Miami Gardens Mayor Gilbert, and upon being put to a vote, passed by a unanimous vote of those members present.

Ms. Townsley noted she understood the group's recommendation regarding County employees to provide that the primary pool of workers for early voting or Election Day, particularly in the key areas, would be County employees and they would be supplemented by other pools of workers from the community.

Continuing with the issue of Fiscal Impact reflected in Attachment C, Ms. Townsley directed members' attention to the Absentee Ballots Recommendation section. She noted recommendations included ballot processing technology enhancements, spacing and infrastructure needs, and seasonal employees to manage a 24-hour operation. Ms. Townsley noted the estimated total cost was \$2.4 million, adding that \$1.3 million of that amount was anticipated to impact the current FY 2013-14 Budget, and \$1,081,000.00 would impact FY 2015-16 Budget.

With respect to Election Day Recommendations (Attachment C, Page 2), Ms. Townsley highlighted staff's recommendations totaling \$3.4 million and pointed out that the costs projected were based on the assumption based on 520 precincts and polling places and were subject to change based on re-precincting decisions. She advised that the FY 2013-14 budgetary impact would be \$2.9 million and the impact for FY 2015-16 \$500,000. Ms. Townsley concluded that the total fiscal impact for all of the department's recommendations, assuming an additional ten early voting sites for a total of 30, would be approximately \$7.6 million. Continuing, she stated assuming an additional twenty early voting sites for a total of 40, the estimated fiscal impact would be \$9.2 million.

In response to Mayor Gimenez' inquiry as to what portion of the total fiscal impact was nonrecurring, Ms. Townsley stated the technology costs of \$5.8 million for ten early voting sites and \$6.9 million for twenty early voting sites were one-time costs. She advised that if all of the recommendations were implemented, the fiscal impact for the FY 2013-14 would be approximately \$4.3 million. Ms. Townsley pointed out that this

amount excluded the technology enhancement costs, which would impact FY 2015-16 Budget in the amount of approximately \$8 million.

Mayor Gimenez requested Ms. Townsley to proceed with the procurement process for the enhanced technology aspect to allow for adequate testing periods and suggested the State Election in 2014 be used to tweak any bugs in the system prior to the Presidential Election in 2016.

Ms. Townsley informed Mayor Gimenez that the department was currently working with the Department of Procurement and had already done a market analysis. In response to Commissioner Moss' inquiry as to whether any State grant funding was available to assist with costs for the proposed technology enhancements, Ms. Townsley stated that she was not aware of any funding; however, during discussion regarding available grant funding with representatives of the Secretary of State Office, she was informed that funding opportunities were being considered as a matching fund process.

Pertaining to Mr. Robert Fernandez' inquiry as to whether all of the proposed technological change would be fully implemented and tested during the upcoming State election next year, Ms. Townsley advised that the proposed technology enhancement currently existed; therefore, it would be operable in time for the 2013-14 elections.

Pertaining to Deputy Mayor Hudak's reference to the issue pertaining to cost per voter and the potential to include that as a performance measure, Ms. Townsley stated that, as reflected in the report, no other states or jurisdictions were identified that measured the cost per voter. She added that random research via Google® indicated the most commonly used method of estimating the cost per voter was the cost a campaign incurred for each vote received.

Mr. Coffey asked whether it was possible to assess what level impact the proposed technological enhancements would have on the aspirational goal of one hour wait time.

Ms. Townsley noted she envisioned her department collaborating with the Office of Management and Budget and the Audit and Management Services Office to develop methodology for measuring the goal, in addition to consulting with other experts to analyze the flow of the process.

Mayor Gimenez recommended a process that analyzed the "throughput" and added that the department's processes should also be analyzed to determine what was needed to make the flow faster.

In response to Commissioner Moss' question of whether the new technology would determine voting patterns signaling peak times, Ms. Townsley answered that it currently performed that function.

Mayor Gimenez pointed out that the number of people who voted could be tracked; however, a mechanism was needed to determine how many people were in line and indicate the need for additional resources.

Ms. Metellus expressed concern that the last bullet point in Attachment C stated "...Engage administrator-level County in-kind to support the management of polling locations during Presidential elections..." and asked if County employees would be used only during Presidential elections.

Ms. Townsley advised that the language contained in the After Action Report was in response to the EAG members' request to address the issues that occurred in the 2012 Presidential Election. She stated that County employees would be used for any major election in the County.

Mayor Gimenez added that County employees would be engaged in many elections in order for to gain the experience needed for the major elections.

In response to Ms. McGill's inquiry as to whether the 2013 Elections Calendar was available on the Elections Department's Website, Ms. Townsley advised that it was.

Discussion ensued among EAG members and staff regarding whether the date on which the Primary election was held could be changed from August to September to accommodate voters' vacation schedules. Mr. Rosenthal advised that this was a State law and had been changed in the past; therefore, the EAG would need to request this change.

Mr. Greenberg recalled that once the date of Primary election was changed from September to August due to a Jewish Holiday occurring during September and cautioned members to be mindful of those dates when requesting a change.

Miami Gardens Mayor Gilbert also pointed out that several municipalities scheduled their election dates to coincide with the County's election dates and had those dates incorporated into their Charters. He asked that members consider that changing the Primary and General election dates would require those municipalities to change their Charters.

In response to Commissioner Moss' question pertaining to the County's ability to absorb the costs for the technological enhancements, Mayor Gimenez stated an answer would be premature, citing current budget issues. He acknowledged the need to provide the Elections Department with additional resources to purchase equipment; however, he indicated other funding sources would be solicited to assist with these expenses.

Revisiting the issue on changing the election date from August to September, Miami Gardens Mayor Gilbert pointed out that, if the elections were held in September, the schools would be in session and impact the polling locations. Additional discussion ensued during which the point was made that although early voting occurred while

schools were in session, schools were not authorized early voting precincts and were only used on Election Day.

In response to Ms. McGill's question as to whether the proposed cost estimate for increased outreach positions was included in the current budget, Ms. Townsley answered yes.

Deputy Mayor Hudak stated that, based on the feedback received today (2/1), staff would amend the Draft Final Report and re-circulate it to EAG members for additional feedback before sending it out. She stated the County Attorney's Office would be consulted to work with the appropriate sponsors so it could be presented before the Board of County Commissioners to adopt the amended language into the County's Legislative Package.

Ms. Hudak's asked whether the EAG members wished to reconvene during the Final Budget process or when the re-precincting recommendations were made available this fall.

In response to Mayor Gimenez' request for the EAG members' preference, Mr. Greenberg suggested that Mayor Gimenez consult with staff and provide EAG members with a proposed date.

Mayor Gimenez noted he desired to keep this group together throughout the process of revamping the elections process, which included looking at different technology and providing recommendations. He expressed his preference to maintain this EAG in the capacity of a recommendatory body to the Administration for gauging its progress. He recommended the EAG convene to review the technology updates, purchases, and view demonstrations during the Budget process. Mayor Gimenez noted that, in the event of concerns or major disagreements, the group would reconvene sooner to address the issue(s). He reiterated that staff would provide members with a draft Final Report and once approved, would move forward with the Legislative Package, as well as the changes and technology purchases this Fiscal Year. He commended the EAG members and staff on developing some very good recommendations and noted he would present the group's administrative recommendations to the County Commission to ensure Miami-Dade County's election process was the best in the nation.

ADJOURNMENT

There being no further business to come before the Elections Advisory Group, the meeting adjourned at 11:06 a.m.



Mayor Carlos Gimenez, Chair
Mayor's Elections Advisory Group