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Constitutional Officers Sub-Committee

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*Revised*

**CHARTER REVIEW COMMISSION  
CONSTITUTIONAL OFFICERS SUB-COMMITTEE  
Minutes of Meeting  
March 4, 2010**

A meeting of the Constitutional Officers sub-Committee of the Charter Review Commission was held at the Murdock Administration Complex, Room 106B.

Roll Call

The following members were present: *Maureen Garrard (Chairman), Joseph Goggin, Andy Dodd  
Patricia Kelly (alternate)*

The following members were absent: *Suzanne Graham*

Call to Order

The meeting was called to order at 4:01 p.m. EST by *Chairman Garrard*

Agenda Items

**1 Approval of Minutes** of meeting of February 18, 2010. *Chairman Garrard* confirmed with those present that they had received a copy of these Minutes for review, and there being no additions nor deletions a motion was made and seconded and the Minutes were approved unanimously.

**2 Interview with Honorable Paul Stamoulis, Charlotte County Supervisor of Elections.** *Chairman Garrard* welcomed Mr. Stamoulis and thanked him for attending. *Ms. Garrard* invited Mr. Stamoulis to begin by telling the sub-Committee about his office. Mr. Stamoulis said that he had been in office since January 7, 2009, saying that his main office was in Punta Gorda in the old Courthouse, but that there were also branch offices in the Murdock Administration Complex as well as in Englewood. Mr. Stamoulis said that office hours had been cut due to budget considerations. He indicated that his office had voluntarily cut their budget this year by fifteen (15%) percent, going from fifteen employees (fourteen full time, one part time) to eleven employees. Mr. Stamoulis stated that there has been a lot of cross training and he gave a lot of credit to his staff. Mr. Stamoulis said they are looking forward to a successful election this year. He said that he had reviewed the Home Rule Charter prior to this meeting and was prepared to answer any questions the sub-Committee might have on that subject. In reference to an e-mail question that had been forwarded to Mr. Stamoulis by administrative support, *Chairman Garrard* elaborated by saying that was sent in reference to Amendments passed during the 2004 Charter Review Commission establishing debts and reserve policies. *Ms. Garrard* said the

question was to find out if there is a notification process when a referendum is passed, because those debts and reserve policies were not acted upon until September 2009. *Ms. Garrard* asked how an entity is notified of the passage of a successful referendum that now binds them. *Mr. Stamoulis* responded that the traditional way candidates are notified (and also the results of referenda) is by midnight on election night. This can be obtained on the website or by calling the offices if anyone is still there. He indicated that his office subsequently sends signed certifications to winning candidates, and he would be willing to send a similar letter regarding referendum results. *Chairman Garrard* asked if it would be necessary to specify this in the Charter or if it could be done administratively. *Mr. Stamoulis* replied that he could prepare such a letter. *Mr. Stamoulis* indicated that election results are available from his office by midnight of election day, but beyond that they have no powers of enforcement. *Ms. Garrard* commented that a memorandum from the current County Administrator said that he had been unaware of the situation until this past summer. *Andy Dodd* said that he thought the only way to really enforce the Charter is for someone to sue the County. He said that as citizens they could bring such a suit, and said he found it ironic with the current dissatisfaction towards the County that no one had noticed the omission and acted on it. *Mr. Dodd* referred also to an Amendment from a prior session that required every ordinance to have an economic impact statement, stating that what is being produced is insufficient and someone could bring suit over that also. *Chairman Garrard* agreed that she knew no other way of enforcement either. She acknowledged that enforcement was not the job of the Supervisor of Elections but said that if written notice was delivered an entity could no longer claim ignorance. *Ms. Garrard* observed that part of the implementation problem might be the way the Amendments were worded, and *Andy Dodd* questioned if it was the job of the County Attorney to keep entities in compliance.

*Chairman Garrard* then referred to a list of general questions that the sub-Committee had developed and asked *Mr. Stamoulis* as follows:

What is your opinion of non-partisan elections for Constitutional Officers? Prior to responding *Mr. Stamoulis* pointed out that as Supervisor of Elections he was officially neutral on candidates and issues appearing on ballots. He said that he sees both sides of the issue, and a lot would depend on what is trying to be accomplished by removing partisanship. *Mr. Stamoulis* used Judicial races and School Board elections as examples that are perceived as non-partisan, indicating however that those candidates register as party members and attend party functions. *Mr. Stamoulis* said that if the objective is to take party politics out of an election he is not sure that is really achieved. *Mr. Stamoulis* said that he comes from a State where Judges are appointed, not elected, so he is not familiar with Judicial races nor non-partisan races. He reiterated that in his opinion non-partisan does not mean that the race is not political, referring to a Republican function attended by School Board members. *Mr. Stamoulis* concluded by saying that from an official standpoint he has no opinion.

Would a change to the Charter making election of County Commissioners and other officers non-partisan be more expensive than the current system, less expensive or the same? *Mr. Stamoulis* replied that to his office it would make no difference, the cost is the same. He said would still be the same ink and paper, staffing of polling locations, etc. *Chairman Garrard* mentioned the elimination of primaries and *Mr. Stamoulis* indicated there would still be a primary. *Mr. Stamoulis* said that from a candidate's point of view it would seem like a lot less money would be spent in a non-partisan race.



with children, indicating that she thinks it is very important for young people to learn the value being a good citizen from a person in power. Mr. Stamoulis thanked *Ms. Garrard* and said that we are all role models and should emphasize our great country and the system.

Do you have any alternative forms of funding? Mr. Stamoulis replied that unfortunately the only money his office has coming in is a limited amount of grant money which he estimates is \$20,000/year. Mr. Stamoulis says there are limitations on how he can spend it, it needs to be used for training poll workers and that type of thing. Mr. Stamoulis also mentioned HAVA funds (Help America Vote Act), which is not a lot of money. Mr. Stamoulis indicated that his budget is about \$1 million per year. He advised that the exact budget for 2010 is \$1,752,700.00, down from \$2,062,640.00 in 2009. He indicated that the fees his office collects from candidates go to the State. *Chairman Garrard* inquired about the life of a voting machine. Mr. Stamoulis indicated that due to the voting concerns in Palm Beach County during the 2000 election the State mandated that all counties go to touch screens. Mr. Stamoulis indicated that the State helped with that cost. He then referred to an issue in Sarasota in 2006, which indicated there had been an undervote (NOTE: an undervote occurs when the number of choices selected by a voter in a contest is less than the number available, or when no selection is made) as high as fifteen to twenty percent in some precincts. Mr. Stamoulis related that before a thorough investigation was made the Legislature passed a law getting rid of the machines and helping them buy new paper-trail machines. He said that it was ultimately believed the problem in 2006 was the design of the ballot. Mr. Stamoulis said he now saves every ballot from every election, he is required by law to keep them for twenty two months. *Chairman Garrard* asked how long, without Legislative interference, the new paper-trail machines are expected to last. Mr. Stamoulis said it is the State that decides what type of machines are used and as technology evolves they may be asked to change. He referred to an issue in the Legislature right now involving compliance with ADA (American's with Disabilities Act) compatible machines, saying that all sixty seven Supervisors of Elections in the State as well as sixty five County Commissions have signed a letter in that regard. Mr. Stamoulis indicated that the current machines can only be used until 2012 and then all new ADA compliant machines must be bought. He acknowledged this is a very sensitive issue. Mr. Stamoulis said it appears it will cost \$300,000 to \$400,000 to buy those machines, and that they only had six people vote in the primary who were persons with disabilities and eight people in the general election. *Chairman Garrard* asked why they would not be allowed to return to the touchscreens and Mr. Stamoulis responded that those machines do not do the whole job. He indicated there is a new machine on the market now which the Disability community is divided on in opinion. Mr. Stamoulis said this new machine is put out by a company which controls eighty percent of the market in Florida. Mr. Stamoulis indicated that the counties have asked for an extension until 2016 in the hope that technology will produce something better during that additional time. He said that if that extension is not granted he is going to have to go to the Board of County Commissioners in 2012 to ask for \$200, 000 to \$300,000 in order to put the new machines into the sites.

What are your observations regarding the relationship of Constitutional Officers and the Board of County Commissioners? Mr. Stamoulis said he believes he enjoys an excellent relationship with the Board. He acknowledges that he inherited that, but hopes he is continuing it. Mr. Stamoulis said he also has an excellent relationship with the School Board, indicating that does not always exist in other

counties.

What methods do you have in place to purge the rolls? *Chairman Garrard* referred to this sub-committees' conversation with Vickie Potts, Charlotte County Tax Collector, about the Constitutional Officers working together to cut expenses. *Ms. Garrard* asked Mr. Stamoulis if the mechanism which had been set up between the Supervisor of Elections and the Clerk of Courts to purge the rolls was working effectively. Mr. Stamoulis responded affirmatively. He explained that his office is required by State law to have list maintenance, saying that the Supervisors of Elections all over the country have a premiere data base. He elaborated that they obtain, name, date of birth, address, party affiliation, where a citizen has voted and the particular procedure utilized by the voter to cast his vote (such as mail, Early Voting or Election Day voting). He indicated also that list maintenance requires his office to contact a voter if they have not heard from them in two years (as a result of voting or contacting the office for some reason) by sending a card. If the card is returned the voter remains active, if not they are placed on an inactive list. If inactive through two election cycles that voter is removed from the rolls. Mr. Stamoulis inquired if *Chairman Garrard* was referring to purging the rolls of felons. *Ms. Garrard* responded that she was also referring to the deceased, saying that there did not used to be a mechanism in place to remove a decedent from the tax rolls. She said that the only requirement used to be that the family of the deceased send a certified copy of the death certificate to the Supervisor of Elections, but the families did not always comply. *Ms. Garrard* said that at one time seven thousand "decedents" were found to have voted in Dade County, at which time the requirement was adjusted to instruct the Clerk's Office to inform the Supervisor of Elections of all deaths and/or incompetencies. Mr. Stamoulis added that he is informed of all felony judgments also. *Chairman Garrard* then referred to an article she had read recently where the Property Appraiser for Charlotte County was under fire for questioning the validity of some residents' claims for Homestead Exemption. *Ms. Garrard* inquired if Mr. Stamoulis' office was notified when a resident moves and someone new files for Homestead on that property. Mr. Stamoulis responded that his Office's requirements for what constitutes a voter's residence is different, that it does not have to be the Homestead. In response to a question by *Chairman Garrard* he replied that the nationwide data base is cooperative as far as the State's notifying one another when a person moves or registers to vote. *Ms. Garrard* remarked that cooperation was not in place during the 2000 election and was glad to know that it was now being observed. In response to a question by *Andy Dodd*, Mr. Stamoulis responded that a voter is purged from the rolls either through the inactive removal process or notification from the Clerk's Office. He further indicated that if someone dies in another county it would be picked up on a Statewide data base.

*Andy Dodd* asked if the inactive removal process was a State law and Mr. Stamoulis replied affirmatively. *Andy Dodd* then asked if Mr. Stamoulis was able to appeal his budget to the State, and Mr. Stamoulis replied that he was. *Mr. Dodd* then asked Mr. Stamoulis if there were any consolidation or re-shuffling plans for precincts that could save money. Mr. Stamoulis replied that the precincts in Charlotte County had been consolidated nicely (eighty precincts and thirty six voting locations) however he indicated that the law says you can consolidate for voting purposes if two criteria are met: if there is

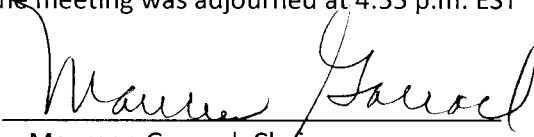
not a convenient or available site in a precinct ; if a precinct is relocated it must be to a contiguous location. Mr. Stamoulis indicated that he reviewed the scheme in Charlotte County and found that was not the case. Mr. Stamoulis indicated that the situation occurred as a result of Hurricane Charlie but had not been corrected. He further indicated that no one had ever challenged it, but he knew that it needed to be handled as an election could be challenged if it were not. Mr. Stamoulis said that there would be changes in election sites this year to bring it into compliance with the law. *Andy Dodd* inquired if he had been able to hold it to thirty six locations and Mr. Stamoulis responded there would be thirty seven. *Andy Dodd* also asked about early voting, and Mr. Stamoulis said that the law requires that early voting sites be in City Halls or Public Libraries and that some of the locations did not meet that criteria. He indicated that again nothing had been said about that, but that would be changed also. Mr. Stamoulis further mentioned that the City Hall in Punta Gorda is not a suitable location, so in South County they will be using the new Courthouse. He said that in mid-County they are using the Library and in West County they will be using their office on San Casa which has been renovated by County workers for the purpose. In response to a question from *Andy Dodd* , Mr. Stamoulis responded that the Office of the Supervisor of Elections was allowed to be used as a site even though it was not a City Hall nor a Public Library. Mr. Stamoulis further explained that this San Casa office in Englewood is the only dedicated voting site in the County so they are now using it as a training site also. He agreed that they had gone [REDACTED] d work out well. Mr. Stamoulis said that early voting has been quite successful, but the real success story is voting by mail. He opined that eventually things might go to internet voting. *Andy Dodd* asked about the percentage of people who vote by mail, and Mr. Stamoulis replied that it depends on the type of election. He said that in the primary it was forty six percent, in the general it was thirty four percent and in the Presidential preference primary it was ten percent. He indicated that where statistics really varied was in early voting, indicating that in the Presidential preference it was thirty two percent but in the primary was only fourteen percent. He said the latter indicated significant expense because three locations had to be staffed for twelve days for such a low turnout. In recapping these figures, *Andy Dodd* observed that quite a few of the voters were being diverted from the polls. Mr. Stamoulis agreed and again said that schools are the perfect voting location, repeating an earlier statement that very few Superintendents have access to schools. He repeated his appreciation of the relationship with the School Board. Mr. Stamoulis said that they would not be using the schools for primaries this year. (NOTE: Mr. Stamoulis submitted an email subsequent to this meeting which indicates that the schools will be used. A copy of this email is appended to these Minutes as Attachment "A"). Mr. Stamoulis and the members discussed that the Office was busy even during non-election times, including site selection, training, ballot design, etc.

This concluded the interview with Mr. Stamoulis and the members thanked him for attending, indicating that his input had been very informative.

**3. Committee Comments:** None

**4. Public Input:** None

**5. Adjournment:** The meeting was adjourned at 4:55 p.m. EST

  
Maureen Garrard, Chairman

ATTACHMENT "A"

Dear Ann,

As an update to my meeting with the subcommittee, although the schools will not be closed this year for our Primary Election, we do intend to continue utilizing them as polling locations. The details of this arrangement are currently being worked out between my office and school representatives. I may have indicated to the contrary during our meeting.

The schools will be closed for the General Election, as in years past.

I hope this gives a clearer picture of our intentions in selecting polling locations for the Primary.

Thank you.

Paul

Hon. Paul A. Stamoulis  
Charlotte County  
Supervisor of Elections  
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