

**STATE OF FLORIDA
FLORIDA ELECTIONS COMMISSION**

In Re: Nicole Gill

Case No.: FEC 17-237

TO: Ronald A. Labasky, Esquire
Brewton Plante PA
215 South Monroe Street, Suite 825
Tallahassee, FL 32301

Andrea and Scott Dennison
16851 Susan Street
Cedar Key, FL 32625

NOTICE OF HEARING (PROBABLE CAUSE DETERMINATION)

A hearing will be held in this case before the Florida Elections Commission on, **August 14, 2018 at 10:00 am, or as soon thereafter as the parties can be heard**, at the following location: **First District Court of Appeal, 2000 Drayton Drive, Tallahassee, Florida 32399**. Due to heightened security access requirements, please bring only essential items into the building and plan to arrive early to allow for delays coming through security.

Failure to appear in accordance with this notice will constitute a waiver of your right to participate in the hearing. Continuances will be granted only upon a showing of good cause.

This hearing will be conducted pursuant to Section 106.25, Florida Statutes, which governs your participation as follows:

If you are the Respondent, you may attend the hearing, and you or your attorney will have *5 minutes* to present your case to the Commission. However, some cases (including those in which consent orders or recommendations for no probable cause are being considered) may be decided by an *en masse* vote and, unless you request to be heard or the Commission requests that your case be considered separately on the day of the hearing, your case will *not* be individually heard.

If you are the Complainant, you may attend the hearing, but you will *not* be permitted to address the Commission. In addition, some cases (including those in which consent orders or recommendations for no probable cause are being considered) may be decided by an *en masse* vote and, unless the Respondent requests to be heard or the Commission requests that the case be considered separately on the day of the hearing, the case will *not* be individually heard.

If you are an Appellant, and you have requested a hearing, you may attend the hearing, and you or your attorney will have *5 minutes* to present your case to the Commission.

Please be advised that both confidential and public cases are scheduled to be heard by the Florida Elections Commission on this date. As an Appellant, Respondent or Complainant in one case, you will *not* be permitted to attend the hearings on other confidential cases.

The Commission will electronically record the meeting. Although the Commission's recording is considered the official record of the hearing, the Respondent may provide, at his own expense, a certified court reporter to also record the hearing.

If you require an accommodation due to a disability, contact Donna Ann Malphurs at (850) 922-4539 or by mail at 107 West Gaines Street, The Collins Building, Suite 224, Tallahassee, Florida 32399, at least 5 days before the hearing.

See further instructions on the reverse side.

Amy McKeever Toman
Executive Director
Florida Elections Commission
July 30, 2018

cc: John T. LaVia III, Esquire, Co-Counsel for Respondent

NOH
FEC # 17-237

Please refer to the information below for further instructions related to your particular hearing:

If this is a hearing to consider **an appeal from an automatic fine**, the Filing Officer has imposed a fine on you for your failure to file a campaign treasurer's report on the designated due date and, by filing an appeal, you have asked the Commission to consider either (1) that the report was in fact timely filed; or (2) that there were unusual circumstances that excused the failure to file the report timely. You are required to prove your case. If the Commission finds that the report was filed timely or that there were unusual circumstances that excused the failure, it may waive the fine, in whole or in part. The Commission may reduce a fine after considering the factors in Section 106.265, Florida Statutes. If the Commission finds that the report was not timely filed and there were no unusual circumstances, the fine will be upheld.

If this is a hearing to consider a **consent order before a determination of probable cause has been made**, the Commission will decide whether to accept or reject the consent order. If the Commission accepts the consent order, the case will be closed and become public. If the Commission rejects the consent order or does not make a decision to accept or deny the consent order, the case will remain confidential, unless confidentiality has been waived.

If this is a hearing to consider a **consent order after a determination of probable cause has been made**, the Commission will decide whether to accept or reject the consent order. If the Commission accepts the consent order, the case will be closed. If the Commission rejects the consent order or does not make a decision to accept or deny the consent order, the Respondent will be entitled to another hearing to determine if the Respondent committed the violation(s) alleged.

If this is a **probable cause hearing**, the Commission will decide if there is probable cause to believe that the Respondent committed a violation of Florida's election laws. Respondent should be prepared to explain how the staff in its recommendation incorrectly applied the law to the facts of the case. *Respondent may not testify, call others to testify, or introduce any documentary or other evidence at the probable cause hearing.* The Commission will only decide whether Respondent should be *charged* with a violation and, before the Commission determines whether a violation has occurred or a fine should be imposed, Respondent will have an opportunity for another hearing at which evidence may be introduced.

If this is an **informal hearing**, it will be conducted pursuant Sections 120.569 and 120.57(2), Florida Statutes; Chapter 28 and Commission Rule 2B-1.004, Florida Administrative Code. At the hearing, the Commission will decide whether the Respondent committed the violation(s) charged in the Order of Probable Cause. The Respondent will be permitted to testify. However, the Respondent may not call witnesses to testify.

Respondent may argue why the established facts in the Staff Recommendation do not support the violations charged in the Order of Probable Cause. At Respondent's request, the Commission may determine whether Respondent's actions in the case were willful. The Respondent may also address the appropriateness of the recommended fine. If Respondent claims that his limited resources make him unable to pay the statutory fine, *he must provide the Commission with written proof of his financial resources* at the hearing. A financial affidavit form is available from the Commission Clerk.

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FLORIDA ELECTIONS COMMISSION**

In Re: Nicole Gill

Case No.: FEC 17-237

STAFF RECOMMENDATION FOLLOWING INVESTIGATION

Pursuant to section 106.25(4)(c), Florida Statutes, undersigned staff counsel files this written recommendation for disposition of the referral in this case recommending that there is **no probable cause** to charge Respondent with violating **Section 104.051(2), Florida Statutes**. Based upon a thorough review of the Report of Investigation submitted on June 5, 2018, the following facts and law support this staff recommendation:

1. On June 6, 2017, the Florida Elections Commission (“Commission”) received a complaint from Andrea and Scott Dennison (“Complainants”) alleging that Nicole Gill, (“Respondent”) violated Chapter 104, Florida Statutes.
2. Respondent is the Cedar Key City Clerk (“Clerk”).
3. On or about February 17, 2017, Cedar Key (“City”) published a Notice of Election for its May 2, 2017 municipal election. The Levy County Supervisor of Election’s (“LCSOE”) office printed the ballots for the City’s election and the City used the LCSOE’s voting equipment to conduct the election. (ROI Exhibit 5, pages 3 and 5; ROI Exhibit 7, Phone Log Entry 10)¹
4. By letter dated August 28, 2017, the Executive Director notified Respondent that Commission staff would investigate the following statutory provision:

Section 104.051(2), Florida Statutes: Respondent, the municipal clerk and supervisor of elections for the City of Cedar Key, refused or neglected to perform her duties as prescribed by the election code, when she closed her office on April 27, 2017, so that she and her staff could attend training at the county supervisor of elections office.

¹ The Report of Investigation will be referred to herein as “ROI.”

Section 104.051(2), Florida Statutes

5. Complainants alleged they went to Cedar Key City Hall on April 27, 2017, to obtain absentee ballots, however, City Hall was closed. The complaint alleged that the closure may have interfered with people’s right to vote or the ability of an elector’s designee to pick up a ballot on behalf of the elector. Complainants also alleged there was no public notice posted on the City website and there was no notice posted on the City Hall Notice Board about the closure. Additionally, Complainants alleged when they went to the LCSOE’s office in Bronson to get absentee ballots, Respondent told Complainants they could not vote that day, but the LCSOE overrode Respondent’s decision, printed absentee ballots for Complainants, and provided mailing envelopes and postage.²

6 Sections 1.00.14 and 1.00.17, General Ordinances of Cedar Key, require the Clerk to conduct all municipal elections and administer the absentee ballot process for City elections in accordance with to Section 101.62, Florida Statutes. (Attachment A)

7. Section 101.62(4), Florida Statutes provides:³

(b) **The supervisor of elections shall mail a vote-by-mail ballot** to each absent qualified voter, other than those listed in paragraph (a), who has requested such a ballot, **between the 35th and 28th days** before the presidential preference primary election, primary election, and general election. Except as otherwise provided in subsection (2) and after the period described in this paragraph, the supervisor shall mail vote-by-mail ballots within 2 business days after receiving a request for such a ballot.

(c) The supervisor shall provide a vote-by-mail ballot to each elector by whom a request for that ballot has been made by one of the following means:

* * * * *

3. By personal delivery before 7 p.m. on election day to the elector, upon presentation of the identification required in s. 101.043.

4. By delivery to a designee on election day or up to 5 days prior to the day of an election. Any elector may designate in writing a person to pick up the ballot for the elector. (Emphasis added)

² Effective July 1, 2016, the term “absentee” ballot was changed to a “vote-by-mail” ballot. Ch. 16-037, §15 at 26, Laws of Fla. (Attachment B)

³ The May 2, 2017 municipal election was Cedar Key’s general election.

8. Respondent and the LCSOE selected April 27, 2017, for a poll worker training based on the LCSOE's schedule and the availability of poll workers that the LCSOE utilized in prior elections including Respondent and Respondent's staff. Part of the training was to teach Respondent and her staff how to use Levy County's electronic voting system because Cedar Key was switching from paper ballot voting to electronic voting. (ROI Exhibit 6, page 1; Attachment C, page 1; Attachment D, page 1)

9. Respondent informed Heath Davis, the Mayor of Cedar Key ("Mayor"), about the required April 27, 2017 training. Respondent told the Mayor that if she and her staff all went to the training, there would be no one to staff City Hall that day. Sometime after Respondent spoke with the Mayor, he decided that as long as there was proper notice, he would close City Hall on April 27, 2017, so Respondent and her staff could attend the training. The Mayor was the only person with the sole authority to close City Hall. (ROI Exhibit 5, pages 3 and 4; Attachment C, pages 1 and 2; and Attachment D)

10. A notice that City Hall would be closed on April 27, 2017, was posted on the window adjacent to the front door of City Hall approximately two weeks before the training. The notice stated City Hall would be closed on April 27, 2017, because of poll worker training and City staff could be contacted at the LCSOE's office in Bronson. (ROI Exhibit 5, pages 3, 4, and 9; Attachment E, page 1)⁴

11. Respondent and her staff attended the April 27, 2017 training in Bronson. During their lunch break, the LCSOE told Respondent that Complainant, Scott Dennison, called and left a message requesting that Respondent call him back. Respondent returned Complainant's call on a speaker phone in the LCSOE's office. Crystal Sharp, the Assistant City Clerk, the LCSOE, and a member of the LCSOE's staff were also in the room. Complainant told Respondent that he had gone to City Hall to "early vote" and he was disappointed that City Hall was closed. Respondent put the call on hold to discuss the situation with the LCSOE. (Attachment C, page 3; Attachment E, page 1)⁵

12. When Respondent continued the conversation with Mr. Dennison, Respondent offered to meet Complainants the next morning as early as Complainants needed to provide them with vote-by-mail ballots. However, Mr. Dennison stated that would not work. Respondent then offered to leave the training immediately and return to Cedar Key or meet Complainants after training that evening to accommodate their request. Mr. Dennison told Respondent that neither of those options would work because he was on the way to Bronson. Complainant then hung up the phone. (Attachment C, page 3; Attachment E, pages 1 and 2)

⁴ Cedar Key was using a mobile unit as its City Hall because the City Hall building was damaged by Hurricane Hermine. (ROI Exhibit 5, page 3)

⁵ It appears Complainants may have confused "early voting" with voting by mail. On page eight of Respondent's attorney's response to the Report of Investigation, Respondent's attorney stated that "early voting" was not available for the May 2, 2017 election. (See Attachment D, page 1)

13. A short time later, Complainants arrived at the LCSOE's office and requested vote-by-mail ballots. Respondent, Ms. Sharp, and the LCSOE spoke with each other about Complainants' request and even though the LCSOE was not comfortable printing additional vote-by-mail ballots, they jointly decided it would be the best option. (Attachment C, page 3; Attachment E, page 2).⁶

14. When Respondent gave Complainants their ballots, Respondent told Complainants they could complete the vote-by-mail ballots at the LCSOE's office and Respondent would return the ballots to City Hall, take the ballots with them and return them to City Hall, or complete the ballots at home and mail them back to City Hall. Complainants stated they wanted to mail the ballots back to City Hall, so Respondent provided Complainants with stamps which she put on the vote-by-mail ballot return envelopes. (Attachment C, pages 3 and 4; Attachment E, page 2)

15. In his affidavit, the Mayor stated that he spoke with Mr. Dennison on April 27, 2017. During their telephone conversation, Complainant told the Mayor he was upset that City Hall was advertised as being closed that day. (Attachment D, page 1)

16. During the investigation, Investigator Spore did not find, and there does not appear to be any other evidence, that an elector was denied the opportunity to vote in the May 2, 2017 election because the elector's designee was unable to pick up a vote-by-mail ballot as a result of City Hall being closed on April 27, 2017.

17. Based on the facts and circumstances of this case, it does not appear Respondent willfully refused or willfully neglected to perform a duty prescribed by the election code.

18. "Probable Cause" is defined as a reasonable ground of suspicion supported by circumstances sufficiently strong to warrant a cautious person in the belief that the person has committed the offense charged. *Schmitt v. State*, 590 So.2d 404, 409 (Fla. 1991). Probable cause exists where the facts and circumstances, of which an [investigator] has reasonably trustworthy information, are sufficient in themselves for a reasonable man to reach the conclusion that an offense has been committed. *Department of Highway Safety and Motor Vehicles v. Favino*, 667 So.2d 305, 309 (Fla. 1st DCA 1995)

19. The above facts show that Cedar Key's municipal election was scheduled for May 2, 2017. Respondent informed the Cedar Key Mayor, Heath Davis, that there was an April 27, 2017 training at the Levy County Supervisor of Election's office in Bronson. Respondent told the Mayor that if she and all her staff went to the required training, there would be no one to staff City Hall that day. Sometime thereafter, Mayor Davis decided to close City Hall on April 27, 2017, as long as proper notice was given. Mayor Davis was the only person with the sole authority to close City Hall.

⁶ Vote-by-mail ballots for the May 2, 2017 election were available to electors beginning March 30, 2017. (ROI Exhibit 5, page 4)

20. The above facts also show that approximately two weeks prior to April 27, 2017, a notice was posted in the window next to the entrance to City Hall informing people that City Hall would be closed on April 27, 2017, due to election poll worker training in Bronson. The notice also informed people that City staff could be contacted at the Levy County Supervisor of Election's office as needed.

21. Additionally, the facts show that while Complainants were driving to the Levy County Supervisor of Election's office, Complainant Scott Dennison, spoke with Respondent on the phone and told her that that he went to City Hall to "early vote" and he was disappointed that City Hall was closed.

22. Even though vote-by-mail ballots for Cedar Key's May 2, 2017 election were available beginning March 30, 2017, Respondent offered to meet Complainants as early as needed the next morning before City Hall opened, to meet Complainants that evening after training, or to immediately return to City Hall to accommodate Complainants' request. Mr. Dennison refused all three options and stated he was already on his way to the LCSOE's office in Bronson.

23. When Complainants arrived at the Levy County Supervisor of Election's office they requested vote-by-mail ballots. Respondent, the Assistant City Clerk and the Levy County Supervisor of Elections jointly decided to accommodate Complainants' request even though the Levy County Supervisor of Elections felt uncomfortable printing additional vote-by-mail ballots. When Respondent gave Complainants the vote-by-mail ballots, Respondent told Complainants about different options to return their ballots to City Hall. Complainants decided to return their ballots by mail, so Respondent provided Complainants with stamps and placed the stamps on the vote-by-mail return envelopes.

24. Moreover, during the investigation no information was discovered, and there does not appear to be any other evidence, that an elector was denied the opportunity to vote in the May 2, 2017 election because the elector's designee was unable to pick up a vote-by-mail ballot as a result of City Hall being closed on April 27, 2017.

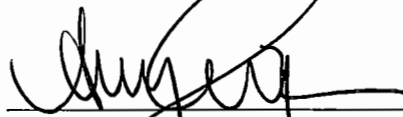
Based upon these facts and circumstances, I recommend that the Commission find no probable cause to charge Respondent with violating Section 106.051(2), Florida Statutes.

Respectfully submitted on July 6, 2018.



Eric M. Lipman
General Counsel

I have reviewed this Staff Recommendation this 6th day of July 2018.



Amy McKeever Toman
Executive Director

Chapter Two: General Ordinances

1.00.14. Absentee Voting

The city will be responsible for administering the absentee voting process as set forth in F.S. § 101.62 et seq. To the extent practicable, the city clerk and the canvassing board shall perform the duties of canvassing absentee ballots in accordance with the procedures set forth in F.S. § 101.68. If any person believes that any ballot is illegal for any reason, such person shall have the duty, before the ballot is removed from the envelope, to file with the canvassing board a protest against the canvass of such ballot, specifying the reason he believes the ballot to be illegal. No challenge, protest or contest of any type regarding any absentee ballot shall be accepted after the ballot has been removed from the absentee envelope.

(History: Ord. No. 494)

1.00.15. Application of General Laws of State to City Elections

The general law of the State on the subject of election shall apply to and govern all City elections insofar as there is no conflict with the provisions of the Laws of Cedar Key.

(History: Ord. No. 494)

1.00.16. Unopposed Candidates

When there is only one candidate qualified for a city commission seat, the name of the candidate shall not be printed on the election ballot, and such candidate shall be declared elected for the office. If, as the result of this provision, there are no names to be placed on a ballot, the city election shall be canceled.

(History: Ord. Nos. 128, 286, 315, 494)

1.00.17. City Clerk Election Responsibilities

Every municipal election shall be conducted by and be under the personal supervision of the City Clerk, who the Cedar Key City Commission hereby empowers and directs to exercise all of the powers and to perform all of the duties and functions appropriate to the conduct of such election, including the establishment, promulgation, and enforcement of such rules and regulations, relating to such

election and the establishment, maintenance, filing, and preservation of such election records as the City Clerk may deem necessary, or which may be required by City, County, or State Law.

(History: Ord. No. 381)

1.00.18. Challenges and protests.

Any person who wishes to question, challenge or protest any procedure or decision relating to any city election shall file such question, challenge or protest in writing to the city clerk or to the Canvassing Board prior to the certification of the election returns by the Canvassing Board. The City Clerk or the Canvassing Board, as the case may be, shall make a decision as soon as is practicably possible. Any decision of the City Clerk may be appealed to the Canvassing Board. The failure by any person to file such question, challenge or protest within the time and in the manner prescribed above, shall be deemed to be a failure to exhaust administrative remedies in any subsequent judicial proceeding.

(History: Ord. No. 494)

1.00.19. Intent; construction.

It is the intent of the City Commission, that these election procedures be judicially construed in a manner to uphold the validity of any election, rather than to void an election. It is the further intent of the City Commission that no city election shall be voided on the account of procedural irregularities unless it is shown in accordance with the proper standard of proof that the will of the voters was thwarted.

(History: Ord. No. 494)

1.00.20. Vacancy in candidacy for office.

A. If the death, withdrawal or removal from the ballot of a qualified candidate or candidates for City Commission following the end of the qualifying period results in fewer than two candidates for a particular office, the City Clerk shall schedule a special election for that specific office which shall take place not less than 45 days nor more than 60 days thereafter. The City Clerk shall promptly advertise at least one notice of the rescheduled election and reopening of qualifying in a newspaper of general

CHAPTER 2016-37

Senate Bill No. 112

An act relating to absentee voting; amending ss. 97.012, 97.021, 97.026, 98.065, 98.077, 98.0981, 98.255, 100.025, 101.051, 101.151, 101.5612, 101.5614, 101.572, 101.591, 101.6105, 101.62, 101.64, 101.65, 101.655, 101.661, 101.662, 101.663, 101.67, 101.68, 101.69, 101.6921, 101.6923, 101.6925, 101.694, 101.6951, 101.6952, 101.697, 102.031, 102.141, 102.168, 104.047, 104.0515, 104.0616, 104.17, 117.05, 394.459, 741.406, and 916.107, F.S.; replacing the term "absentee ballot" with the term "vote-by-mail ballot"; conforming terminology to changes made by the act; providing an effective date.

Be It Enacted by the Legislature of the State of Florida:

Section 1. Subsection (13) of section 97.012, Florida Statutes, is amended to read:

97.012 Secretary of State as chief election officer.—The Secretary of State is the chief election officer of the state, and it is his or her responsibility to:

(13) Designate an office within the department to be responsible for providing information regarding voter registration procedures and vote-by-mail absentee ballot procedures to absent uniformed services voters and overseas voters.

Section 2. Subsections (1) and (13) of section 97.021, Florida Statutes, are amended to read:

97.021 Definitions.—For the purposes of this code, except where the context clearly indicates otherwise, the term:

(1) "Absent elector" means any registered and qualified voter who casts a vote-by-mail ~~an~~ absentee ballot.

(13) "Election costs" shall include, but not be limited to, expenditures for all paper supplies such as envelopes, instructions to voters, affidavits, reports, ballot cards, ballot booklets for vote-by-mail absentee voters, postage, notices to voters; advertisements for registration book closings, testing of voting equipment, sample ballots, and polling places; forms used to qualify candidates; polling site rental and equipment delivery and pickup; data processing time and supplies; election records retention; and labor costs, including those costs uniquely associated with vote-by-mail absentee ballot preparation, poll workers, and election night canvass.

Section 3. Section 97.026, Florida Statutes, is amended to read:

1
CODING: Words ~~stricken~~ are deletions; words underlined are additions.

ATTACHMENT B, page 1

101.62 Request for vote-by-mail absentee ballots.—

(1)(a) The supervisor shall accept a request for a vote-by-mail ~~an~~ absentee ballot from an elector in person or in writing. One request shall be deemed sufficient to receive a vote-by-mail ~~an~~ absentee ballot for all elections through the end of the calendar year of the second ensuing regularly scheduled general election, unless the elector or the elector's designee indicates at the time the request is made the elections for which the elector desires to receive a vote-by-mail ~~an~~ absentee ballot. Such request may be considered canceled when any first-class mail sent by the supervisor to the elector is returned as undeliverable.

(b) The supervisor may accept a written or telephonic request for a vote-by-mail ~~an~~ absentee ballot to be mailed to an elector's address on file in the Florida Voter Registration System from the elector, or, if directly instructed by the elector, a member of the elector's immediate family, or the elector's legal guardian; if the ballot is requested to be mailed to an address other than the elector's address on file in the Florida Voter Registration System, the request must be made in writing and signed by the elector. However, an absent uniformed service voter or an overseas voter seeking a vote-by-mail ~~an~~ absentee ballot is not required to submit a signed, written request for a vote-by-mail ~~an~~ absentee ballot that is being mailed to an address other than the elector's address on file in the Florida Voter Registration System. For purposes of this section, the term "immediate family" has the same meaning as specified in paragraph (4)(c). The person making the request must disclose:

1. The name of the elector for whom the ballot is requested.
2. The elector's address.
3. The elector's date of birth.
4. The requester's name.
5. The requester's address.
6. The requester's driver license number, if available.
7. The requester's relationship to the elector.
8. The requester's signature (written requests only).

(c) Upon receiving a request for a vote-by-mail ~~an~~ absentee ballot from an absent voter, the supervisor of elections shall notify the voter of the free access system that has been designated by the department for determining the status of his or her vote-by-mail absentee ballot.

(2) A request for a vote-by-mail ~~an~~ absentee ballot to be mailed to a voter must be received no later than 5 p.m. on the sixth day before the election by the supervisor of elections. The supervisor of elections shall mail vote-by-

117.05 Use of notary commission; unlawful use; notary fee; seal; duties; employer liability; name change; advertising; photocopies; penalties.—

(2)

(b) A notary public may not charge a fee for witnessing a vote-by-mail ~~an~~ absentee ballot in an election, and must witness such a ballot upon the request of an elector, provided the notarial act is in accordance with the provisions of this chapter.

Section 41. Subsection (7) of section 394.459, Florida Statutes, is amended to read:

394.459 Rights of patients.—

(7) VOTING IN PUBLIC ELECTIONS.—A patient who is eligible to vote according to the laws of the state has the right to vote in the primary and general elections. The department shall establish rules to enable patients to obtain voter registration forms, applications for vote-by-mail absentee ballots, and vote-by-mail absentee ballots.

Section 42. Section 741.406, Florida Statutes, is amended to read:

741.406 Voting by program participant; use of designated address by supervisor of elections.—A program participant who is otherwise qualified to vote may request a vote-by-mail ~~an~~ absentee ballot pursuant to s. 101.62. The program participant shall automatically receive vote-by-mail absentee ballots for all elections in the jurisdictions in which that individual resides in the same manner as vote-by-mail absentee voters. The supervisor of elections shall transmit the vote-by-mail absentee ballot to the program participant at the address designated by the participant in his or her application as a vote-by-mail ~~an~~ absentee voter. The name, address, and telephone number of a program participant may not be included in any list of registered voters available to the public.

Section 43. Subsection (7) of section 916.107, Florida Statutes, is amended to read:

916.107 Rights of forensic clients.—

(7) VOTING IN PUBLIC ELECTIONS.—A forensic client who is eligible to vote according to the laws of the state has the right to vote in the primary and general elections. The department and agency shall establish rules to enable clients to obtain voter registration forms, applications for vote-by-mail absentee ballots, and vote-by-mail absentee ballots.

Section 44. This act shall take effect July 1, 2016.

Approved by the Governor March 10, 2016.

Filed in Office Secretary of State March 10, 2016.

AFFIDAVIT OF NICOLE GILL

STATE OF FLORIDA
COUNTY OF LEVY

The undersigned, NICOLE GILL, being duly sworn, hereby deposes and says:

1. I am over the age of 18 and a resident of the State of Florida. I suffer no legal disabilities, I have personal knowledge of the facts herein, and if called as a witness could testify completely thereto.

2. I am providing this affidavit in Case No. FEC 17-237.

The Response to the Report of Investigation

3. On June 20, 2018, my legal counsel submitted a Response to the Florida Election Commission's ("Commission") Report of Investigation ("ROI") on my behalf. I read the Response and it was based on factual information that I provided to counsel. Accordingly, I hereby adopt the factual allegations contained in the Response as my sworn statements.

The Decision to Close City Hall

4. Prior to January 28, 2017, during the 127-day period that my daughter was in Shands Hospital's ("Shands") neo-natal intensive care unit in Gainesville, Florida (as described in more detail in the Response), I spoke with Levy County Supervisor of Elections Tammy Jones (the "SOE") and she provided me the date of April 27, 2017 for election worker training for the May 2, 2017 election (the "Municipal Election") at her office in Bronson, Florida. The choice of the date was based on which date would work for the SOE's schedule as well as the availability of poll workers identified on a list of poll workers that the SOE utilized for prior elections at the Cedar Key polling location. The list of poll workers to be included in the training session included me and my entire staff. My staff notified the poll workers of the April 27, 2017 training session during the next several weeks.

5. I advised Heath Davis, the Mayor of Cedar Key (the "Mayor") and other Cedar Key City Commissioners that my entire staff and I would need to attend the proposed mandatory election

training at the SOE's office in Bronson, Florida on April 27, 2017, and that if all of my staff were to attend, no one would be available to staff City Hall on that day. Sometime thereafter, the Mayor made the decision to close City Hall on April 27, 2017. I was not directly involved in that decision by the Mayor.

6. I do not have the authority under the City of Cedar Key's ordinances to unilaterally decide to close Cedar Key's City Hall.

My Role in the Election

7. As noted in the Response, my daughter was released from Shands on February 18, 2017, after a 127-day stay. At the time of her release, she required supplemental oxygen to breathe; accordingly, I stayed home with her as much as possible. In March, she was tested and it was determined that she continued to require supplemental oxygen to breathe.

8. My daughter's condition made it uncertain as to whether I would be able to assume my role as City Clerk, by the date of the Municipal Election. In addition, even if my daughter were removed from supplemental oxygen, I knew that her nutritional needs would require me to leave the office approximately 8 times per day. Accordingly, with the Mayor's approval, I designated Crystal Sharp (my Assistant Clerk) as Clerk for the Municipal Election and I designated Donna Risker as the Assistant Clerk for the Municipal Election.

9. On April 17, 2017, I took my daughter to a scheduled oxygen/pulmonary appointment to determine if she still required supplemental oxygen. It was then that I learned for the first time that my daughter could be removed from supplemental oxygen. (If on that date, it was determined that my daughter still required supplemental oxygen, I would not have returned to work and I would not have participated in the Municipal Election at all.)

Interaction with Complainants

10. On April 27, 2017, my staff and I, and the poll workers, arrived at the SOE's office prior to the 9:00 a.m.

start time for the mandatory election training session for the Municipal Election.

11. After completing deputy training, disability training and ICE training, the team broke for lunch at noon. The SOE and her staff called me and Crystal Sharp over to a side office located just off of the training room.

12. The SOE, along with her staff, stated that the Complainant had called and would like a call back. I called him promptly and listened to him inform me that he went to "early vote" and was disappointed that City Hall was not open. It is my understanding that he had discussed the situation with the Mayor before speaking with me. I listened very carefully and after placing him on hold, I discussed the situation further with the SOE, since this was my first election.

13. I resumed my phone call with the Complainant and I informed him that I could come in as early as he needed before normal City Hall hours the next day to accommodate him (as his wife had an appointment in Gainesville on the morning of April 28, 2017). When he told me that would not work for him, I offered to return to Cedar Key from training at that time, or after training, was completed to accommodate him. He told me that neither of those options would work as he was already on his way to Bronson. At that time, the phone disconnected. I tried calling him back but no one answered the call.

14. A few minutes later, Complainants entered the Levy County Supervisor of Elections front office and requested vote-by-mail ballots for themselves. The SOE, Ms. Sharp, and I consulted for a few minutes and came to a joint determination that the SOE would print two additional ballots and provide the security sleeve and envelope along with any other necessary items so that the Complainants could obtain their ballots in Bronson.

15. After the SOE had completed printing the ballots, Ms. Sharp and I delivered the ballots to the Complainants. We explained that they could hand the ballots back to us and we would bring them to City Hall, that they could take the ballots with them and return them to City Hall, or that we would provide postage and they could mail the ballots themselves.

16. The Complainants chose to mail the ballots. I provided two stamps for each ballot and we placed them on the envelopes. We placed two stamps to ensure that there was sufficient postage.

17. The Complainants left the SOE's office at approximately 12:40 p.m.

I declare that to the best of my knowledge and belief, the information herein is true, correct, and complete.

Executed this 28th day of June, 2018.

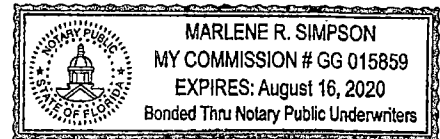
Nicole Gill
NICOLE GILL

STATE OF FLORIDA
COUNTY OF Levy

The foregoing instrument was acknowledged before me this 28th day of June 2018, by Nicole Gill.

Marlene Simpson
Signature of Notary Public
Print, Type/Stamp Name of Notary

Personally known: ✓
OR Produced Identification: _____
Type of Identification Produced: id



AFFIDAVIT OF HEATH DAVIS

STATE OF FLORIDA
COUNTY OF LEVY

REGD: FL ELECTIONS COM
2 JUL 18 PM 8:49

The undersigned, Heath Davis, being duly sworn, hereby deposes and says:

1. I am over the age of 18 and am a resident of the State of Florida. I suffer no legal disabilities, I have personal knowledge of the facts herein, and if called as a witness could testify completely thereto.
2. I am providing this affidavit in Case No. FEC 17-237.
3. I am the Mayor of Cedar Key, Florida, and held that office during the entire relevant time period relating to this complaint and proceeding, (May, 2016 through the present date).
4. The 2017 City election process began with election planning in January, 2017, with the election held on May 2, 2017.
5. The City was upgrading its way of voting from paper ballot to electronic style of voting, which required training of the City election team. The date for the training given by the Levy County Supervisor of Elections was April 27, a date that seemed to fit everyone's schedules. The City Clerk's office had only three employees at that time, (including the Clerk), all of whom needed to attend the training, so I agreed that, with proper notice, that we should close City Hall on this day. My decision to close City Hall on April 27 was made early in the elections process.
6. Pursuant to the City Charter, §2.04.00, the City Commission has designated the Mayor as the administrator of the City, thus I had the sole power to make the decision to close City Hall for election training. The closing of City Hall affected other services provided by the City Clerk's office as well.
7. Regarding the day in question, April 27, I got a call on my cell phone that day from Complainant, Scott Dennison. I don't remember all of the exact details of the call. He asked why City Hall was closed for "early voting". I said because they are in training to learn how to use the electronic voting machines and it made sense. (I believe he was mistaking "early voting" with "vote by mail"). He asked why I was denying his and his wife, Andrea's right to vote. I said: "I am not; actually, I am making it better with this training." He then complained some more about us being advertised to close this day. I then said: "So, you saw our advertisements and went down to City Hall anyway?" I ended the call by telling him the City never had early voting, but had always done a great job at making sure folks had the chance to cast their vote.

I declare that to the best of my knowledge and belief, the information herein is true, correct, and complete.

Executed this 29 day of June, 2018.



 HEATH DAVIS

The foregoing instrument was acknowledged before me this 29 day of June, 2018, by Heath Davis, who is personally known to me.

 *Marlene R. Simpson*
 Signature of Notary Public

CHAPTER ONE: MUNICIPAL CHARTER

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ATTACHMENT D, page 2

ARTICLE II: CITY COMMISSION

2.01.00. CREATION

- A. The corporate authority of the city shall be vested in a city commission hereby created. The municipal government provided by this act shall be known as the "city commission" form of government.
- B. Pursuant to the provisions of this act and subject only to limitations imposed by the State Constitution and by this act, all powers of the city shall be vested in an elective commission, hereinafter referred to as "the commission" or the "city commission", which shall enact local legislation, adopt budgets, determine policies, administrate those policies and appoint the officers and officials of the city authorized by this act.
- C. All powers of the city where not otherwise delegated herein, shall be exercised through or at the direction of the city commission in the manner prescribed by this act, or if the manner is not prescribed by this act, then in such a manner as may be prescribed by ordinance or resolution authorized hereunder or the city commission may cause the exercise of such powers in any manner as may be prescribed by general or special law.

2.02.00. COMPOSITION

The city commission shall have five members. The city commission at its annual organizational meetings shall:

- A. Appoint one of its members as mayor.
- B. Appoint one of its members as vice-mayor.

2.03.00. ELIGIBILITY

Each candidate for a seat must be a qualified voter who is a resident of the city for at least six months prior to the date the person qualifies to run for office. Each commissioner and the mayor shall continuously reside within the city during their terms of office.

2.04.00. MAYOR AND VICE-MAYOR

- A. *Mayor.* The Mayor may preside at all meetings of the commission, may determine whether or not the policies of the commission are being carried out, report same to the commission, and, at the pleasure of the commission, act as the administrator of the city.
 - 1. The Mayor may execute instruments, conveyances, notes, mortgages, and bonds in the name of the city and affix his signature thereto when authorized by the commission so to do.
 - 2. Any deed, mortgage or satisfaction of mortgage heretofore or hereafter executed in the name of the city by the mayor, attested by the city clerk, with the city seal affixed thereto, acknowledged by the mayor and city clerk and recorded in the public records of Levy County, shall be conclusive evidence that such instrument was the act and deed of the city and was duly and lawfully authorized and executed.
 - 3. The mayor shall be recognized as head of the city government for all ceremonial purposes and by the governor for purposes of military law.
 - 4. The mayor shall perform any duties delegated to him by any ordinance, resolution or law.
- B. *Vice Mayor.* The vice-mayor shall have the same duties and powers as the mayor during the absence or disability of the mayor, and in such case shall perform all of the duties of the mayor, subscribing his name as vice-mayor, and when so done, it shall be deemed as valid as if the mayor had in fact performed that act.

2.05.00. ELECTIONS

- A. *General election.* The city shall hold its general election each year as established by

REC'D ELECTIONS DIV
MAY 2 10 36 AM '17

AFFIDAVIT OF CRYSTAL SHARP

STATE OF FLORIDA
COUNTY OF LEVY

The undersigned, CRYSTAL SHARP, being duly sworn, hereby deposes and says:

1. I am over the age of 18 and am a resident of the State of Florida. I suffer no legal disabilities, I have personal knowledge of the facts herein, and if called as a witness could testify completely thereto.

2. I am Assistant City Clerk for the City of Cedar Key, Florida.

3. I am providing this affidavit in Case No. FEC 17-237.

4. I was designated to serve as City Clerk during the May 2, 2017 municipal election (the "Municipal Election") due to the continuing uncertainty concerning the condition of Nicole Gill's infant daughter.

5. On April 27, 2017, I attended a mandatory election training session in Bronson, Florida, at the office of Tammy Jones, the Levy County Supervisor of Elections (the "SOE"), along with Nicole Gill, Donna Risker, and the City's poll workers. Approximately two weeks prior to April 27, 2017, we posted a sign in the window of the trailer that was serving as the temporary City Hall notifying the public that City Hall would be closed on the day of the election training session.

6. During the lunch break at the training session, the SOE asked Ms. Gill and me to speak with her. She informed us that the Complainant was on the phone and wanted to pick up vote-by-mail ballots for himself and his wife.

7. Ms. Gill and I spoke to Complainant on a speaker phone in the SOE's office. The SOE and one of the SOE's employees were present during the call.

8. Ms. Gill offered multiple options to Complainant including meeting him at City Hall in Cedar Key early the next morning (April 28, 2017), returning to Cedar Key that afternoon after training was completed, or returning immediately to Cedar Key to provide Complainants their vote-by-mail ballots.

9. Complainant rejected all options offered by Ms. Gill and hung up on Ms. Gill.

10. Complainants appeared at the SOE's office a few minutes later and requested that they be provided with vote-by-mail ballots.

11. Ms. Gill, the SOE and I consulted with each other. The SOE initially did not feel comfortable printing additional vote-by-mail ballots, but we jointly decided that was the best option.

12. The SOE printed vote-by-mail ballots for the Complainants and Ms. Gill and I walked to the front of the SOE's office to give the vote-by-mail ballots to the Complainants.

13. Ms. Gill (with me standing next to her) offered three options to the Complainants for casting their vote-by-mail ballots: complete their ballots in the SOE's office and submit them to Ms. Gill; complete their ballots and hand-deliver them to City Hall at a later date; or complete their ballots at home and mail them in. The Complainants chose to mail the ballots in, so Ms. Gill provided her own postage to affix to the envelopes.

14. The Complainants' ballots were subsequently received and canvassed in the Municipal Election.

I declare that to the best of my knowledge and belief, the information herein is true, correct, and complete.

Executed this 28th day of June, 2018.

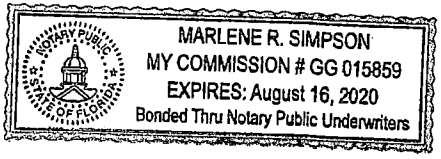

CRYSTAL SHARP

STATE OF FLORIDA
COUNTY OF Levy

The foregoing instrument was acknowledged before me this
28th day of June 2018, by Crystal Sharp.

Marlene R. Simpson
Signature of Notary Public
Print, Type/Stamp Name of Notary

Personally known: ✓
OR Produced Identification: _____
Type of Identification Produced: n/a



Gardner, Bist, Bowden, Bush,
Dee, LaVia & Wright, P.A.
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*Board Certified Real Estate Lawyer
** Also Licensed to Practice in Georgia

July 2, 2017

VIA HAND DELIVERY

Eric M. Lipman, General Counsel
Florida Elections Commission
107 West Gaines Street
Collins Building, Suite 224
Tallahassee, FL 32399-1050

Re: Case No. FEC 17-237—Original Affidavits of Heath
Davis, Nicole Gill, and Crystal Sharp

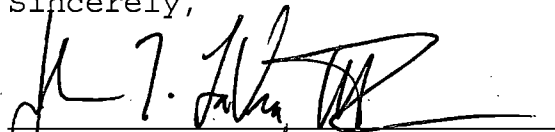
Dear Mr. Lipman:

We are writing on behalf of our client Nicole Gill, the
Respondent ("Respondent") in Florida Elections Commission
("FEC") Case No. FEC 17-237.

Enclosed, please find the original signed affidavits from
Cedar Key Mayor Heath Davis, Respondent Nicole Gill, and Crystal
Sharp. Copies of these affidavits were previously submitted to
you for inclusion in the record for Case No. FEC 17-237.

Please feel free to contact either of us if you have any
questions.

Sincerely,



BREWTON PLANTE, P.A.
Ronald A. Labasky, Esq.
215 South Monroe Street,
Suite 825
Tallahassee, Florida 32301
Telephone: (850) 222-7718
Facsimile: (850) 222-8222

REC-FILED
JUL 2 2017
TALLAHASSEE, FL
CLERK OF SUPERIOR COURT

GARDNER, BIST, BOWDEN, BUSH,
DEE, LaVIA & WRIGHT, P.A.
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1300 Thomaswood Drive
Tallahassee, Florida 32308
Telephone: 850/385-0070
Facsimile: 850/385-5416

AFFIDAVIT OF NICOLE GILL

STATE OF FLORIDA
COUNTY OF LEVY

The undersigned, NICOLE GILL, being duly sworn, hereby deposes and says:

1. I am over the age of 18 and a resident of the State of Florida. I suffer no legal disabilities, I have personal knowledge of the facts herein, and if called as a witness could testify completely thereto.

2. I am providing this affidavit in Case No. FEC 17-237.

The Response to the Report of Investigation

3. On June 20, 2018, my legal counsel submitted a Response to the Florida Election Commission's ("Commission") Report of Investigation ("ROI") on my behalf. I read the Response and it was based on factual information that I provided to counsel. Accordingly, I hereby adopt the factual allegations contained in the Response as my sworn statements.

The Decision to Close City Hall

4. Prior to January 28, 2017, during the 127-day period that my daughter was in Shands Hospital's ("Shands") neo-natal intensive care unit in Gainesville, Florida (as described in more detail in the Response), I spoke with Levy County Supervisor of Elections Tammy Jones (the "SOE") and she provided me the date of April 27, 2017 for election worker training for the May 2, 2017 election (the "Municipal Election") at her office in Bronson, Florida. The choice of the date was based on which date would work for the SOE's schedule as well as the availability of poll workers identified on a list of poll workers that the SOE utilized for prior elections at the Cedar Key polling location. The list of poll workers to be included in the training session included me and my entire staff. My staff notified the poll workers of the April 27, 2017 training session during the next several weeks.

5. I advised Heath Davis, the Mayor of Cedar Key (the "Mayor") and other Cedar Key City Commissioners that my entire staff and I would need to attend the proposed mandatory election

training at the SOE's office in Bronson, Florida on April 27, 2017, and that if all of my staff were to attend, no one would be available to staff City Hall on that day. Sometime thereafter, the Mayor made the decision to close City Hall on April 27, 2017. I was not directly involved in that decision by the Mayor.

6. I do not have the authority under the City of Cedar Key's ordinances to unilaterally decide to close Cedar Key's City Hall.

My Role in the Election

7. As noted in the Response, my daughter was released from Shands on February 18, 2017, after a 127-day stay. At the time of her release, she required supplemental oxygen to breathe; accordingly, I stayed home with her as much as possible. In March, she was tested and it was determined that she continued to require supplemental oxygen to breathe.

8. My daughter's condition made it uncertain as to whether I would be able to assume my role as City Clerk, by the date of the Municipal Election. In addition, even if my daughter were removed from supplemental oxygen, I knew that her nutritional needs would require me to leave the office approximately 8 times per day. Accordingly, with the Mayor's approval, I designated Crystal Sharp (my Assistant Clerk) as Clerk for the Municipal Election and I designated Donna Risker as the Assistant Clerk for the Municipal Election.

9. On April 17, 2017, I took my daughter to a scheduled oxygen/pulmonary appointment to determine if she still required supplemental oxygen. It was then that I learned for the first time that my daughter could be removed from supplemental oxygen. (If on that date, it was determined that my daughter still required supplemental oxygen, I would not have returned to work and I would not have participated in the Municipal Election at all.)

Interaction with Complainants

10. On April 27, 2017, my staff and I, and the poll workers, arrived at the SOE's office prior to the 9:00 a.m.

start time for the mandatory election training session for the Municipal Election.

11. After completing deputy training, disability training and ICE training, the team broke for lunch at noon. The SOE and her staff called me and Crystal Sharp over to a side office located just off of the training room.

12. The SOE, along with her staff, stated that the Complainant had called and would like a call back. I called him promptly and listened to him inform me that he went to "early vote" and was disappointed that City Hall was not open. It is my understanding that he had discussed the situation with the Mayor before speaking with me. I listened very carefully and after placing him on hold, I discussed the situation further with the SOE, since this was my first election.

13. I resumed my phone call with the Complainant and I informed him that I could come in as early as he needed before normal City Hall hours the next day to accommodate him (as his wife had an appointment in Gainesville on the morning of April 28, 2017). When he told me that would not work for him, I offered to return to Cedar Key from training at that time, or after training, was completed to accommodate him. He told me that neither of those options would work as he was already on his way to Bronson. At that time, the phone disconnected. I tried calling him back but no one answered the call.

14. A few minutes later, Complainants entered the Levy County Supervisor of Elections front office and requested vote-by-mail ballots for themselves. The SOE, Ms. Sharp, and I consulted for a few minutes and came to a joint determination that the SOE would print two additional ballots and provide the security sleeve and envelope along with any other necessary items so that the Complainants could obtain their ballots in Bronson.

15. After the SOE had completed printing the ballots, Ms. Sharp and I delivered the ballots to the Complainants. We explained that they could hand the ballots back to us and we would bring them to City Hall, that they could take the ballots with them and return them to City Hall, or that we would provide postage and they could mail the ballots themselves.

16. The Complainants chose to mail the ballots. I provided two stamps for each ballot and we placed them on the envelopes. We placed two stamps to ensure that there was sufficient postage.

17. The Complainants left the SOE's office at approximately 12:40 p.m.

I declare that to the best of my knowledge and belief, the information herein is true, correct, and complete.

Executed this 28th day of June, 2018.

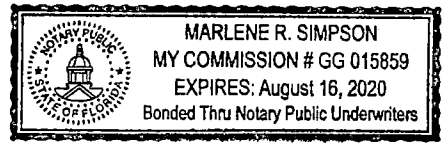
Nicole Gill
NICOLE GILL

STATE OF FLORIDA
COUNTY OF Levy

The foregoing instrument was acknowledged before me this 28th day of June 2018, by Nicole Gill.

Marlene R. Simpson
Signature of Notary Public
Print, Type/Stamp Name of Notary

Personally known: ✓
OR Produced Identification: _____
Type of Identification Produced: N/A



Gardner, Bist, Bowden, Bush,
Dee, LaVia & Wright, P.A.
Attorneys at Law

REC'D: FL ELECTIONS COM
20 JUN 18 PM 5:49

Michael P. Bist
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Erin W. Duncan
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*Board Certified Real Estate Lawyer
**Also Licensed to Practice in Georgia

June 20, 2017

VIA ELECTRONIC DELIVERY (eric.lipman@myfloridalegal.com)
(FEC@myfloridalegal.com)

Eric M. Lipman, General Counsel
Florida Elections Commission
107 West Gaines Street
Collins Building, Suite 224
Tallahassee, FL 32399-1050

Re: Case No. FEC 17-237--Respondent, Nicole Gill's
Response to Report of Investigation

Dear Mr. Lipman:

We are writing on behalf of our client Nicole Gill, the Respondent ("Respondent") in Florida Elections Commission ("FEC") Case No. FEC 17-237. As a preliminary matter, we hereby acknowledge that we are currently engaged with you, in your capacity as counsel for the FEC, in negotiations to attempt to resolve this matter amicably at this stage of your review.

The purpose of this letter is to formally respond to the Report of Investigation ("ROI") dated June 6, 2018. Pursuant to Section 106.25(4)(b), Florida Statutes, Respondent is authorized to file her response within 14 days of issuance of the ROI; accordingly, this response to the ROI is timely filed.

Response to ROI

Respondent submits the following additional facts for consideration:

Background Facts

1. The City of Cedar Key ("City") hired Respondent as the Administrator of the City's Building and Planning Department on June 23, 2015.

2. On September 10, 2015, Respondent was appointed by the City Commission as City Clerk.

3. On October 5, 2016, Respondent was admitted to Shands Hospital ("Shands") in Gainesville, Florida, and began an extended leave of absence from her responsibilities as City Clerk due to complications with her pregnancy. The complications were life-threatening and included Respondent experiencing extremely high blood pressure and being intubated due to severe preeclampsia symptoms.

4. On October 12, 2016, during the 25th week of her pregnancy, Respondent had an emergency Caesarean section and gave birth prematurely to her daughter. Respondent's daughter weighed 1 pound, 5.5 ounces. Respondent was released from Shands on October 17, 2016 at 8:00 p.m.

5. For the next 127 days, until February 16, 2017, Respondent's daughter was hospitalized at Shands. During this period, Respondent's daughter was intubated and spent

considerable time in Shands' neonatal intensive care unit. She also had two surgical procedures and received several transfusions.

6. On October 18, 2016, Respondent returned to work for approximately two hours. During that time, Respondent met with the City's Mayor, and Respondent and the Mayor worked together to set up an accommodation to allow the Respondent to work remotely to the best of her ability and to allow her to attend work in person at City Hall when needed for the completion of essential job functions during Respondent's daughter's anticipated lengthy hospital stay. During this meeting, Respondent and the Mayor discussed Respondent taking a formal leave of absence under the Family Medical Leave Act, but they decided it was in the best interest of the City during the City's recovery from Hurricane Hermine for Respondent to be available on an as-needed basis. Respondent wanted to ensure that she would be available to her team during this medical crisis period and to assist the City with its Hurricane Hermine recovery efforts.

7. During the next several weeks, Respondent attended her own physicians' appointments to address her own health issues arising from her pregnancy.

8. Respondent was able to maintain a schedule of attending work at City Hall in the morning and completing as

many tasks as possible. Then she would drive to Shands in Gainesville in the afternoon and sit with her daughter until approximately 9:00 or 10:00 p.m. (During this time, Respondent was available to respond to e-mails and phone calls.) She would then go to an apartment she had rented in Gainesville and spend the night. The next morning, she would return to Shands by 7:30 a.m., directly after a nursing shift change. After spending the morning with her daughter, she would drive back to Cedar Key's City Hall and complete additional work. In the evening, she would go home and sleep and then start the process again the next morning.

9. On February 16, 2017, Respondent's daughter was released from Shands. She weighed 5 pounds 8 ounces and still required supplemental oxygen to breathe. Due to her daughter's extensive medical needs, Respondent stayed at home with her daughter as much as possible during this period. On April 17, 2017, Respondent's daughter was removed from supplemental oxygen. At that time, Respondent returned to her duties as City Clerk full time and Respondent's daughter was brought to work with her as necessary for nutritional purposes. The City made accommodations to meet Respondent's breastfeeding and breast pumping needs. As Respondent's daughter grew more stable, she was able to stay at home with family members, when family members were available.

10. In summary, from October 12, 2016, until April 17, 2017 (only 10 days prior to the date Respondent attended training at the Levy County Supervisor of Elections ("SOE" Office), Respondent did not work full time as City Clerk and was focusing most of her time and energy on her own recovery and her daughter's recovery. The purpose of providing these additional facts concerning Respondent's and her daughter's health issues is to provide context as to Respondent's state of mind leading up to the May 2, 2017 municipal election.

Respondent's Election Training and Experience

11. Respondent attended an election training session held by the Levy County SOE in December of 2015, shortly after she assumed her role as City Clerk. This training session provided a general overview of the election process rather than focusing on Respondent's specific responsibilities.

12. During the 2016 election cycle, Respondent did not conduct or participate in the conduct of an election for the following reasons:

- a. The Presidential Preference Primary on March 15, 2016 occurred during the municipal election qualifying period. Accordingly, Respondent was not involved with the conduct of the election, instead she remained available in her office as a qualifying officer on that day.

- b. The City municipal election occurred on May 3, 2016. Because there were no contested municipal races (only one candidate qualified for each of the two City Commission seats for which an election could have been held), Respondent did not conduct a municipal election on May 3, 2016.
- c. The 2016 primary for the general election occurred on August 30, 2016. Respondent did not participate in the conduct of the primary election because she had a doctor's appointment at 11:00 a.m. at the University of Florida Spring Hill facility in Gainesville on that day.
- d. The 2016 general election occurred on November 8, 2016. Respondent did not participate in the conduct of the general election because she was still recovering from complications from her pregnancy.

Please note that under Florida law, the Levy County SOE was responsible for conducting the referenced elections in subparagraphs a., c., and d.

13. As noted above, Respondent returned to her job as City Clerk on a full-time basis on April 17, 2017. On April 27, 2017, she attended an election training held by the Levy County SOE. (The agenda from the April 27, 2017 training session is

attached as Exhibit 1. Please note that this agenda was sent electronically to two members of Respondent's staff on April 5, 2017, but not to Respondent because she was still on leave.)

14. In summary, the May 2, 2017 City municipal election is the first election that Respondent was responsible for conducting. Accordingly, Respondent was not specifically aware of and had no experience with any requirement to keep her office open at City Hall on April 27, 2017. (Please note that as set forth in the "Legal Issues" section of this Response, Respondent believes no such requirement exists under Florida law.) As noted in the ROI, the Levy County SOE stated that Respondent's failure to keep her office open on April 27, 2017 "was an unintentional over-sight" with "no malicious intent." ROI at ¶ 19.

The City Clerk's Staff

15. At the time the Respondent became City Clerk, the Clerk's staff consisted of Respondent, a deputy clerk and a part-time receptionist. (The deputy clerk left employment with the City in early 2016 and was replaced by a new deputy clerk.) During the May 2, 2017 municipal election, the City Clerk's staff consisted of Respondent, a deputy clerk, and a part-time receptionist who performed other duties for other City departments.

Decision to Close City Hall on April 27, 2017

16. Section 2.04.00A of the City's Municipal Charter provides that the City's Mayor "acts as the administrator of the [C]ity." Accordingly, the actual decision to close City Hall on April 27, 2017 to allow Respondent and her staff to attend the election training session held by the Levy County SOE was made by the Mayor. (The Mayor is prepared to submit an affidavit stating the above, if requested.)

The May 2, 2017 Municipal Election

17. There were 211 ballots cast in the May 2, 2017 municipal election: 183 voters voted at the precincts on election day and 28 voters cast vote-by-mail ballots. Early voting was not available during the May 2, 2107 municipal election.

18. The Respondent is not aware of any instance where a voter was unable to vote during the May 2, 2107 municipal election because of alleged unavailability of a vote-by-mail ballot.

Legal Issues

Respondent raises the following legal issues for consideration:

1. The cover letter to the ROI references an alleged violation of Chapter 106, Florida Statutes. The ROI makes no

reference to any provision of Chapter 106, Florida Statutes, and Respondent assumes the reference is extraneous.

2. The legal issue in this case is whether Respondent violated Section 104.051(2), Florida Statutes, by "willfully neglecting" to perform her duties as prescribed in the Florida Election Code (the "Code"). The only provision of the Code identified in the ROI is Section 101.62(4)(c)4., Florida Statutes, which provides in pertinent part:

the supervisor of election shall provide a vote-by-mail ballot to each elector by whom a request for that ballot has been made by one of the following means:

* * *

4. By delivery to a designee on election day or up to 5 days prior to the day of an election.

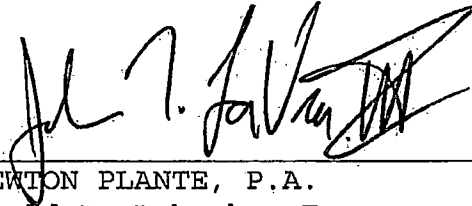
ROI ¶ 15. Respondent asserts that nothing in Section 101.62(4)(c), Florida Statutes, specifically requires Respondent's office to be open during prescribed times. Instead, Section 101.62(4)(c) requires vote-by-mail ballots to be provided to a voter's designee when requested. No designee requested a vote-by-mail ballot on April 27, 2017. Moreover, Respondent provided all requested vote-by-mail ballots. Accordingly, Respondent fully complied with Section 101.62(4)(c), Florida Statutes. In addition, the facts of this

case clearly establish that Respondent did not "willfully neglect" any required duty.

Conclusion

Thank you for the opportunity to submit this Response to the ROI. Please feel free to contact either of us if you have any questions.

Sincerely,



BREWTON PLANTE, P.A.
Ronald A. Labasky, Esq.
215 South Monroe Street,
Suite 825
Tallahassee, Florida 32301
Telephone: (850) 222-7718
Facsimile: (850) 222-8222

GARDNER, BIST, BOWDEN, BUSH,
DEE, LaVIA & WRIGHT, P.A.
John T. LaVia, III
1300 Thomaswood Drive
Tallahassee, Florida 32308
Telephone: 850/385-0070
Facsimile: 850/385-5416



Case No. FEC 17-237

Rhonda Dulgar

to:

eric.lipman@myfloridalegal.com, FEC@myfloridalegal.com

06/15/2018 02:18 PM

Cc:

"Jay LaVia"

Hide Details

From: "Rhonda Dulgar" <rhonda@gbwlegal.com>

To: "eric.lipman@myfloridalegal.com" <eric.lipman@myfloridalegal.com>,

"FEC@myfloridalegal.com" <FEC@myfloridalegal.com>

Cc: "Jay LaVia" <jlavia@gbwlegal.com>

1 Attachment



FEC17-237.EricLipman.Letter.6-15-2018.pdf

Good afternoon:

Attached is a letter regarding Mr. LaVia's service as co-counsel for the Respondent, Nicole Gill, in the above-referenced matter.

Please let me know if you need any additional information. I hope you have a nice weekend.

Rhonda Dulgar

Secretary to Jay LaVia & Schef Wright

Gardner, Bist, Bowden, Bush,

Dee, LaVia & Wright, P.A.

1300 Thomaswood Drive

Tallahassee, Florida 32308

Phone: 850-385-0070

Fax: 850-385-5416

Email: rhonda@gbwlegal.com

<http://www.gbwlegal.com/>

CONFIDENTIALITY NOTICE

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Gardner, Bist, Bowden, Bush,
Dee, LaVia & Wright, P.A.
Attorneys at Law

Michael P. Bist
Garvin B. Bowden*
Benjamin B. Bush**
David S. Dee
Erin W. Duncan
Charles R. Gardner
John T. LaVia, III
Robert Scheffel "Scheff" Wright

1300 Thomaswood Drive
Tallahassee, Florida 32308

www.gbwllegal.com

Telephone 850.385.0070
Facsimile 850.385.5416

*Board Certified Real Estate Lawyer
**Also Licensed to Practice in Georgia

June 15, 2017

VIA ELECTRONIC DELIVERY (eric.lipman@myfloridalegal.com)
(FEC@myfloridalegal.com)

Eric Lipman, General Counsel
Florida Elections Commission
107 West Gaines Street
Collins Building, Suite 224
Tallahassee, FL 32399-1050

Re: FEC 17-237; Respondent: Nicole Gill

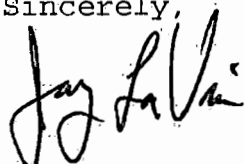
Dear Mr. Lipman:

This letter is to advise you that I will be serving as co-counsel with Ron Labasky for the Respondent, Nicole Gill, in the above-referenced matter. This is to respectfully request that my contact information be added and that I be forwarded any documents related to this case. My contact information is as follows:

John T. LaVia, III
Gardner, Bist, Bowden, Bush,
Dee, LaVia & Wright
1300 Thomaswood Drive
Tallahassee, Florida 32399
e-mail: jlavia@gbwllegal.com
Telephone: 850-385-0070
Facsimile: 850-385-5416

I appreciate your help in this matter.

Sincerely,



John T. LaVia, III

Gardner, Bist, Bowden, Bush,
Dee, LaVia & Wright, P.A.
Attorneys at Law

Michael P. Bist
Garvin B. Bowden*
Benjamin B. Bush**
David S. Dee
Erin W. Duncan
Charles R. Gardner
John T. LaVia, III
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*Board Certified Real Estate Lawyer
**Also Licensed to Practice in Georgia

June 15, 2017

VIA ELECTRONIC DELIVERY (eric.lipman@myfloridalegal.com)
(FEC@myfloridalegal.com)

Eric Lipman, General Counsel
Florida Elections Commission
107 West Gaines Street
Collins Building, Suite 224
Tallahassee, FL 32399-1050

Re: FEC 17-237; Respondent: Nicole Gill

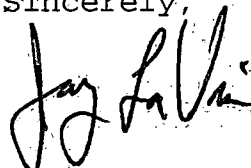
Dear Mr. Lipman:

This letter is to advise you that I will be serving as co-counsel with Ron Labasky for the Respondent, Nicole Gill, in the above-referenced matter. This is to respectfully request that my contact information be added and that I be forwarded any documents related to this case. My contact information is as follows:

John T. LaVia, III
Gardner, Bist, Bowden, Bush,
Dee, LaVia & Wright
1300 Thomaswood Drive
Tallahassee, Florida 32399
e-mail: jlavia@gbwwlegal.com
Telephone: 850-385-0070
Facsimile: 850-385-5416

I appreciate your help in this matter.

Sincerely,



John T. LaVia, III

FLORIDA ELECTIONS COMMISSION
REPORT OF INVESTIGATION
Case No.: FEC 17-237

Respondent: Nicole Gill
Counsel for Respondent: Ronald Labasky

Complainant: Andrea and Scott Dennison

On June 6, 2017, the Florida Elections Commission (“Commission”) received a sworn complaint alleging that Respondent violated Chapter 104, Florida Statutes. Commission staff investigated whether Respondent violated the following statute:

Section 104.051(2), Florida Statutes, prohibiting any official from refusing or willfully neglecting to perform her duty as prescribed in the Florida Election Code.

I. Preliminary Information:

1. Respondent is the municipal clerk for the City of Cedar Key. She is also the supervisor of elections for city elections.
2. Respondent’s attorney is Ronald A. Labasky, Esquire, with Brewton Plante, P.A. Mr. Labasky has served as general counsel for the Florida State Association of Supervisor of Elections since 1988.
3. Complainants are residents and homeowners in the City of Cedar Key, in Levy County. Mr. Scott Dennison is a former member of the Cedar Key City Commission, Seat 2.

II. Alleged Violation of Section 104.051(2), Florida Statutes:

4. I investigated whether Respondent violated this section of the election laws by refusing or neglecting to perform her duties as prescribed by the election code, when she closed her office to attend a training.
5. Complainants allege Respondent closed the city clerk’s office on April 27, 2017, to attend a training at the Levy County Supervisor of Elections (SOE) office. This date was the fifth day prior to the May 2, 2017 municipal election, which was the first day that vote-by-mail ballots could be picked up by a designee at the city clerk’s office.
6. Complainants also allege that when they went to the Levy County SOE’s office to speak to Respondent about requesting vote-by-mail ballots, they were advised by Respondent that they could not vote that day. The Levy County SOE, Ms. Tammy Jones, stepped in to print vote-by-mail ballots for Complainants, and provided them with mailing envelopes and postage.

7. On September 22, 2017, Complainants submitted an e-mail and attached copies of e-mails between Respondent and the Levy County SOE's office. In the e-mail, Complainants stated, "We have been advised by the Levy County SOE, Ms. Tammy Jones, that the offer of training to the City of Cedar Key began in December 2016. Attached to this email communications are copies of multiple communications between the City Clerk and the Levy SOE clearly documenting the early offer of training well before the City election cycle. There was significant advance notice given to the City to avoid the necessity of closing the City Hall during an open election period." To review the September 22, 2017 e-mail, refer to Exhibit 1.

8. In the included attachments was an e-mail dated December 13, 2016, from Respondent replying to an e-mail from the Levy County SOE. Attached to the e-mail was a form completed by Respondent, regarding city elections in 2017. At the bottom of the form is a statement that reads, "Once this form is received I will be contacting you by phone to setup your Logic and Accuracy Testing for your equipment and manual audit? (If using our voting equipment) In addition, a date for your pollworker training." To review the December 13, 2016 e-mail and attached form, refer to Exhibit 2.

9. Another attachment included an e-mail from Respondent to the Levy County SOE dated January 24, 2017, Respondent stated, "Would you be able to review my Election Timeline and see if I am mission [sic] anything? ... We will need to confirm the Canvassing Board and appropriate meetings. Also, we will need to schedule a training day so that we can secure our Poll workers." Attached to the e-mail was a copy of the City of Cedar Key 2017 Election Timeline. Included in the timeline was the April 27, 2017 Poll Worker Training in Bronson. To review the January 24, 2017 e-mail and attached 2017 Election Timeline, refer to Exhibit 3.

10. Also included in the attachments was an e-mail from the Levy County SOE to the City of Cedar Key dated March 23, 2017. The SOE stated, "Just confirming upcoming dates since you are having an election: April 27th = Poll worker training from 9 AM to 6:30 PM at Supervisor of Elections, Bronson. This does not need to be advertised." To review the March 23, 2017 e-mail, refer to Exhibit 4.

11. On January 10, 2018, our office received an email from Respondent's counsel. Attached was a written response and exhibits. To review the January 10, 2018 written response with exhibits, refer to Exhibit 5.

12. In the January 10, 2018 written response, it was stated, "Cedar Key City Hall was closed on April 27, 2017, due to staff attending required poll worker and election management training conducted by the Levy County Supervisor of Elections, Tammy Jones. No staff member in the City Clerk's office had conducted an election prior to the City of Cedar Key election scheduled for May 2, 2017"; Exhibit 5, entry 4.

13. Respondent stated in the written response, "The hours of operation of the office at City Hall were posted on the mobile unit which was being utilized at that time, due to the City Hall being damaged by Hurricane Hermine... Notice concerning the office hours on April 27, 2017, were posted on the window adjacent to the front door beginning two weeks prior to April 27, 2017. The Mayor and commissioners were advised of the required closure of the office. The Notice was also posted prior to that date inside City Hall along with the Notice of Election"; Exhibit 5, entry

4.

14. Also stated in the written response, Respondent noted, "I am unclear concerning the reference or focus on the fifth day prior to the municipal election since ballots were available for weeks prior to the election. The sign posted at the City Hall advised the public where the staff would be on April 27, 2017. If an elector wanted a ballot they were advised to contact the Levy County Supervisor of Elections office or to call City Hall and leave a voice mail and staff would make arrangements to provide a ballot to the requesting elector the following day"; Exhibit 5, entry 6.

15. Pursuant to Section 101.62(4)(c), Florida Statutes, the supervisor of elections shall provide a vote-by-mail ballot to each elector by whom a request for that ballot has been made by one of the following means: 4. By delivery to a designee on election day or up to 5 days prior to the day of an election.

16. In the January 10, 2018 written response, Respondent also stated, "The Notice of Election with all actions which would be taken by the City beginning in February 2017 was published and posted in City Hall. A Notice of the Closing of the Office was posted on the building two weeks prior to April 27, 2017. In addition, vote-by-mail ballots were available beginning on March 30, 2017. Therefore electors had more than 35 days to obtain their vote-by-mail ballot"; Exhibit 5, entry 5.

17. Respondent attached exhibits to the January 10, 2018 written response. Included was the City of Cedar Key 2017 Election Timeline (previously referred to in paragraph 10; Exhibit 5), the March 23, 2017 e-mail from the SOE to Respondent (previously referred to in paragraph 11; Exhibit 6), and an undated word document stating "City Hall will be CLOSED on April 27, 2017 Due to Election Poll Worker Training. City Staff will be at the Supervisor of Elections in Bronson please contact City Staff as needed"; Exhibit 5, page 9.

18. A questionnaire-affidavit was received on March 21, 2018, completed by the Levy County Supervisor of Elections. In the questionnaire-affidavit, she stated that she and the city clerk scheduled the training after reviewing the election questionnaire, and that the date was a mutual decision, based on availability. She stated she did recall printing vote-by-mail ballots on April 27, 2017 for two City of Cedar Key residents, who had come to her office in person to vote in the municipal election. To review the March 21, 2017 questionnaire-affidavit, refer to Exhibit 6.

19. In a telephone interview on April 17, 2018 with the Levy County Supervisor of Elections, she stated that the City of Cedar Key had used their voting equipment in past elections, however, for every election year, her office holds poll worker training. She stated that she did not know that the City of Cedar Key's office would be closed during the time of the training, and would have advised against this if she had been asked. However, she noted that in her opinion, this was an unintentional over-sight, and that there was no malicious intent by Respondent closing the office on that particular day. She stated that she was aware that Respondent had a baby right around the time period they were working on the election calendar, and that she had been out of the office for quite some time. To review the telephone interview, refer to Exhibit 7, entry 10.

20. There is no record that Respondent has previously violated this section of the

election laws.

III. FEC History:

21. There are no prior cases for Respondent.

Conclusion:

22. On June 1, 2018, I interviewed Respondent's counsel for the purpose of providing him with a brief overview of the case, and to afford him an opportunity for any questions or comments. He asked to get back with me the following week, to look over the case file again. On June 4, 2018, counsel called and stated he did not have anything to add to the report at this time and that he would wait and view the report of investigation.

Respectfully submitted on June 5, 2018.



Samantha Spore
Investigation Specialist

Current address of Respondent

Ms. Nicole Gill
490 Second Street
Cedar Key, FL 32625

Current address of Complainant

Andrea and Scott Dennison
16851 Susan Street
Cedar Key, FL 32625

Current Address of Respondent's Atty.:

Ronald A. Labasky, Esquire
Brewton Plante, P.A.
215 South Monroe Street, Suite 825
Tallahassee, FL 32301

Name and Address of Filing Officer:

Ms. Tammy Jones
Levy County Supervisor of Elections
421 South Court Street
Bronson, FL 32621

Copy furnished to: Mr. David Flagg, Investigations Manager

FLORIDA ELECTIONS COMMISSION
REPORT OF INVESTIGATION
Nicole Gill -- FEC 17-237

LIST OF EXHIBITS	
Exhibits #s	Description of Exhibits
Exhibit 1	September 22, 2017 E-mail
Exhibit 2	December 13, 2016 E-mail
Exhibit 3	January 24, 2017 E-mail and Attached Election Timeline
Exhibit 4	March 23, 2017 E-mail
Exhibit 5	January 10, 2018 Written Response with Exhibits
Exhibit 6	March 21, 2017 Questionnaire-Affidavit
Exhibit 7	Investigative Telephone Log



Refer FEC Complaint Cedar Key City Clerk
Scott Dennison

to:

samantha.spore@myfloridalegal.com
09/22/2017 02:51 PM

Cc:

Scott Dennison

Hide Details

From: Scott Dennison <dsdennison@bellsouth.net>

To: "samantha.spore@myfloridalegal.com" <samantha.spore@myfloridalegal.com>

Cc: Scott Dennison <dsdennison@bellsouth.net>

Please respond to Scott Dennison <dsdennison@bellsouth.net>

1 Attachment



TAMMY JONES REFER Cedar Key Communications.pdf

ADDITIONAL INFORMATION TO FLORIDA ELECTIONS COMMISSION COMPLAINT
SEPARATE FILES WITH ADDITIONAL INFORMATION PERTAINING TO COMPLAINT WILL BE MAILED

September 22, 2017

Florida Elections Commission (VIA EMAIL)
107 West Gaines Street
Suite 224
Tallahassee FL 32399-1050

To whom it may concern –

We want to provide the FEC with updated and additional information pertaining to the complaint filed against Ms. Nicole Gill, City Clerk – City of Cedar Key. Our intent of the complaint is not meant to be malicious or slanderous, but to ensure the City would not allow a future re-occurrence of closing City Hall during an active and open election period.

On the evening of September 19 2017, Scott Dennison appeared before the advertised public meeting of the Cedar Key City Commission (Commission). The Commission had on the agenda for discussion the approval of a contract to hire a Tallahassee law firm. Attached are video and audio files recording the results of the presentation and requests of Scott Dennison, and the statements and actions of the Commission. We respectfully request the FEC staff carefully review the contents of these recordings to fully understand the earnest attempt of Scott and Andrea Dennison to resolve this matter, and the unfortunate harmful and negative comments and actions stated by the majority members of the City Commission.

During the City Commission meeting, Scott Dennison requested the City to simply provide some type of written statement with the assurance and recognition that City Hall should not be closed during an open and active election period. This could have been an ordinance, resolution, or a simple letter to the FEC and us. The format or type of written assurance was at the discretion of the City. We did not ask for any actions to be taken by the City Commission against the City Clerk, nor the City Administrator – Mr. Davis. We did not make our request with any malice or ill will. Our hope was that with a good faith, or good cause written statement from the City Commission, that together, the City and we could submit a request to withdraw the complaint before the FEC per the provision of FS Chapter 106.25 (2). The intent was to show the FEC that both parties had resolved the complaint, and not require any further effort by the FEC staff and members.

Based upon the public statements made during the recorded City Commission meeting, by the City Administrator, and the majority members of the City Commission, we are both scared and fearful

EXHIBIT 1 page 1 of 2

of punitive, retaliatory actions, along with financial judgement will be taken and sought by the City against us. We are two retired taxpayers who are simply concerned about fair and reasonable access for all City voters during an election period.

We continue to believe the City of Cedar Key, including the City Clerk – Ms. Gill, and City Administrator-Mr. Davis, knowingly closed the City Hall during the early/absentee voting period for the upcoming City elections of May 2nd 2017. The facts are City Hall was closed all day April 27th depriving and interfering with any and all City voters of their voting rights. It is unknown how many City voters were impacted and were not be able to vote (absentee) in City elections. No alternate location was open. No advertised lawful public notice was given to the public.

It is noteworthy that it was only through the intervention of the Levy SOE – Ms. Tammy Jones, that we were able to obtain our absentee ballots. We had to drive 30+ miles from Cedar Key to Bronson to ask for the Levy SOE to assist us.

We have been advised by the Levy County SOE, Ms. Tammy Jones, that the offer of training to the City of Cedar Key began in December 2016. Attached to this email communications are copies of multiple communications between the City Clerk and the Levy SOE clearly documenting the early offer of training well before the City election cycle. There was significant advance notice given to the City to avoid the necessity of closing the City Hall during an open election period. The Levy SOE advised us that the City specifically picked the April 27th date.

We hope the Florida Elections Commission will see the serious and egregious nature of this elections violation by the officials of the City of Cedar Key, and their malice towards us demonstrated at the public City Commission meeting of September 19, 2017.

Respectfully -
Andrea and Scott Dennison
16851 Susan Street
Cedar Key FL 32625

NOTES REFER TO ATTACHED FILES;

1. FILE: CK COMM MTG 9-19-17 6PM VIDEO FILE The pertinent video info starts at 11 minutes 48 seconds.
2. FILE: 19Sept2017_CKCityComm AUDIO FILE The pertinent audio info starts at 17 minutes 44 seconds.
3. Attached PDF file of TAMMY JONES Cedar Key Communications copies of emails.

EXHIBIT 1 page 2 of 2



The Levy County Supervisor of Elections Office is a public entity subject to Chapter 119 of the Florida Statutes concerning public records. E-mail messages are covered under such laws and thus subject to disclosure.

Under Florida law, e-mail addresses are public records. If you do not want your e-mail address released in response to a public records request, do not send electronic mail to this entity. Instead, contact this office by phone or in writing.

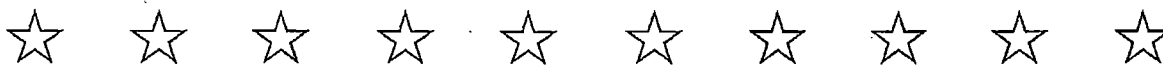
This response is provided for reference only and does not constitute a formal legal opinion or representation. As applied to a particular set of facts or circumstances, interested parties should refer to the Florida Statutes and applicable case law, and/or consult an attorney to represent their interests before drawing any legal conclusions or relying upon the information provided.

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1. Please visit our website at www.votelevy.com. Under the elected official tab click on city officials and verify your municipal information. If all is correct on our website write correct on the line below. If you see an error or change that needs to be made please make the change(s) below.

Example: Seat A John Smith 485 W Thrasher Ave Bronson, FL 32621 (352)447-2983

Verified via email earlier this month.



2. Is your municipality having an election in 2017? Yes No

If yes above, answer questions below:

Qualifying Dates: March 13 through March 17

Qualifying Times: 8:30 am until 4:00 pm March 13- 16, 8:30 am until noon March 17

Election Date: May 2, 2016

What seats/districts are up in 2017? Seats 1, Seat 3, and Seat 5

How long is the term of office? Two years

Will you be using our voting equipment? Yes No Please, if available.

Will you need us to print your ballots? Yes No Please, if available.

If yes, approximately how many ballots? 350

- Once this form is received I will be contacting you by phone to setup your Logic and Accuracy Testing for your equipment and manual audit? (If using our voting equipment) In addition, a date for your pollworker training.

Thank you! Will we be having a training for qualifying and timeline?

[Print](#) | [Close Window](#)

Subject: Cedar Key Election Timeline
From: Nicole Gill <ngill@cedarkeyfl.us>
Date: Tue, Jan 24, 2017 8:52 am
To: "tammy@votelevy.com" <tammy@votelevy.com>
Cc: Crystal Sharp <csharp@cedarkeyfl.us>, Donna Risker <drisker@cedarkeyfl.us>
Attach: Election Timeline- 2017.docx

Good Morning!

Hopefully all is well in Bronson and you are able to take a little time to breath again.

Would you be able to review my Election Timeline and see if I am mission anything?

(We are in a mobile unit behind City Hall right now... Not sure if we will be doing the election in "City Hall" or the Community Center.)

We will need to confirm the Canvassing Board and appropriate meetings. Also, we will need to schedule a training day so that we can secure our Poll workers.

Thank you so much!

Nicole Gill
City Clerk
City of Cedar Key
(352)543-5132 Main
(866) 674-2419 FAX

Florida has a very broad public records law. Written communications to or from state officials regarding state business constitute public records and are available to the public and media upon request unless the information is subject to a specific statutory exemption. Therefore, this email and any that you sent that generated this response may be subject to public disclosure.

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EXHIBIT 3 page 1 of 3

City of Cedar Key 2017 Election Timeline

- February 2, 2017- Deadline to publish Election Preparation Report FS 100.032
- February 7, 2017- Schedule Canvassing Board Meetings. Notify and secure canvassing board.
- February 8, 2017- Schedule Poll Worker Training. Notify poll workers.
- February 17, 2017- Publish Notice of Election IAW Section 100.021, FS (send to paper by February 11, 2017).
- March 2, 2017- Publish Notice of Election IAW Section 100.021, FS. Publish Notice of Book Closing IAW Section 97.055, FS (send to paper by February 25, 2017) - Courtesy notice.
- March 3, 2017- Establish confidential and exempt list of absentee ballot requests to be updated daily and made available to designated individuals. FS 101.62(3).
- March 13, 2017 at noon- Qualifying Period Begins. IAW City of Cedar Key Laws of Cedar Key Chapter 2: Article I: 1.00.09(a).
- March 17, 2017 at noon- Qualifying Period Ends. IAW City of Cedar Key Laws of Cedar Key Chapter 2: Article I: 1.00.09(a).
- March 28, 2017- April 4, 2017- Mandated period to mail absentee ballots to voters FS 101.62 4(b). Thereafter, ballots must be mailed within two (2) days upon receipt of the requests through April 28, 2017.
- March 31, 2017- Treasurer's Report Due. IAW FS 106.07(1)(b) and Division of Elections Formal Opinion 98-03.
- April 3, 2017- Books close. IAW FS 97.055.
- April 7, 2017- Treasurer's Report Due. IAW FS 106.07(1)(b) and Division of Elections Formal Opinion 98-03.
- April 14, 2017- Treasurer's Report Due. IAW FS 106.07(1)(b) and Division of Elections Formal Opinion 98-03.
- April 21, 2017- Treasurer's Report Due. IAW FS 106.07(1)(b) and Division of Elections Formal Opinion 98-03.
- April 20, 2017- Publish Notice of Election. IAW Section 100.021, FS. Publish Notice of Logic and Accuracy Test and Notice of Meeting of the Canvassing Board. IAW FS 101.5612 (send to paper on xxx); Publish a Notice of Meeting of the Canvassing Board.
- April 26, 2017 Deadline for mailed Absentee Ballot Requests to be received. IAW FS 101.62 (1)(c)(2)
- April 27, 2017- Poll Worker Training in Bronson.
- April 28, 2017- Logic and Accuracy Test of Election equipment is conducted. IAW FS 101.5612(2); First day for someone other than the voter to pick up an absentee ballot for a voter with a note. 101.62 (4)(c)(4); Publish ballot. IAW Section 101.20(2), FS; Publish a Notice of Meeting of the Canvassing Board.

IAW Section 102.141(2), FS; Publish Notice of Manual Audit FS 101.591(3) & Rule 1S.5.026 (Send to Paper on April 22nd); Treasure's Report Due. IAW IAW FS 106.07(b) and Division of Elections Formal Opinion 98-03.

April 28, 2017- Deadline to mail out Absentee Ballots. IAW FS 101.62(2); Treasure's Report Due. IAW FS 106.07(b) and Division of Elections Formal Opinion 98-03.

May 1, 2017- Last Day for someone other than the voter to pick up and absentee ballot (except for emergencies that would prevent the elector from appearing at the designated polling place on Election Day). 101.62(4)(c)(5).

May 2, 2017 from 7am – 7pm: Conduct Election for Seat "1", Seat "3" and Seat "5" Vacancies. Absentee Ballots Due by 7pm. City of Cedar Key Code of Ordinances Chapter Two: General Ordinances. Article I: Administration. 1.00.00 Elections: General, Special and Run-Offs. 1.00.01. Regular Election of City Commissioners FS100.3605 and FS 100.011(1); Canvassing Board will conduct a canvass of the returns at the closing of the polls. FS 101.5614.

May 3, 2017 at 10am. Canvassing Board Members (not all are required) will conduct a manual audit of the votes. FS 101.591 and Rule 1S.5.026.

May 18, 2017- Canvassing Board Report Due. FS 101.591(5).

June 9, 2017- Treasure's Report Due for all uncontested candidates. FS 106.07(b) and Division of Elections Formal Opinion 98-03.

August 1, 2017- Termination Reports Due. FS 106.07(1)(c) and FS 106.141.

This list does not include the preparation activities related to poll workers, training, etc. which will be developed in the course of the election cycle.

[Print](#) | [Close Window](#)

Subject: Re: Cedar Key Election Schedule
From: Nicole Gill <ngill@cedarkeyfl.us>
Date: Thu, Mar 23, 2017 2:33 pm
To: Tammy Jones <tammy@votelevy.com>
Cc: Crystal Sharp <csharp@cedarkeyfl.us>
Attach: sigimg0

Crystal-

Can you forward Tammy the canvassing sheet that we discussed at the Commission meeting in Tuesday?

Thanks.

Sent from Nicole's iPhone

On Mar 23, 2017, at 1:04 PM, Tammy Jones <tammy@votelevy.com> wrote:

Nicole and Crystal,

Just confirming upcoming dates since you are having an election:

April 27th= Poll worker training from 9 AM to 6:30 PM at Supervisor of Elections, Bronson

This does not need to be advertised.

April 28th= Logic and Accuracy Testing....Please let me know location and time. I was thinking 10:00 a.m. would be good. This will need to be advertised with your canvassing board schedule of events.

May 2nd= Election Day

We need to set a date to do the manual audit. I suggest May 4th evening or May 5th morning. I will be at training the following week.

Have a great day,

Tammy Jones

Supervisor of Elections

Levy County, Florida

352-486-5163 Ext. 4

tammy@votelevy.com

<sigimg0>

The Levy County Supervisor of Elections Office is a public entity subject to Chapter 119 of the Florida Statutes concerning public records. E-mail messages are covered under such laws and thus subject to disclosure.

EXHIBIT 4 page 1 of 2

Under Florida law, e-mail addresses are public records. If you do not want your e-mail address released in response to a public records request, do not send electronic mail to this entity. Instead, contact this office by phone or in writing.

This response is provided for reference only and does not constitute a formal legal opinion or representation. As applied to a particular set of facts or circumstances, interested parties should refer to the Florida Statutes and applicable case law, and/or consult an attorney to represent their interests before drawing any legal conclusions or relying upon the information provided.

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AFFIDAVIT OF BACKGROUND INFORMATION
Case Number: FEC 17-237

STATE OF FLORIDA
County of Levy

Nicole Gill, being duly sworn, says:

1. This affidavit is made upon my personal knowledge.
2. I am of legal age and competent to testify to the matters stated herein. I am currently employed by the City of Cedar Key as City Clerk.

4. Was City Hall closed on Thursday, April 27, 2017? If so, what was the reason of the closure? Please use additional paper if needed.

see attached response

5. If the answer to question 4 is yes, please describe what actions were taken to alert the public that City Hall would be closed that day.

see attached response

6. If the answer to question 4 is yes, please describe what actions were taken to provide electors with vote-by-mail ballots during that day, the fifth day prior to the municipal election.

see attached response

I HEREBY SWEAR OR AFFIRM THAT THE FOREGOING INFORMATION IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE.

Nicole Hill

Signature of Affiant

Sworn to (or affirmed) and subscribed before me this 28th day of December, 2017

[Signature]

Signature of Notary Public - State of Florida

Print, Type, or Stamp Commissioned Name of Notary Public



Crystal Ann Sharp
NOTARY PUBLIC
STATE OF FLORIDA
Comm# FF240476
Expires 6/15/2019

Personally Known X or Produced Identification _____

Type of Identification Produced: N/A

Case Investigator: S.Spore.

EXHIBIT 5 page 2 of 9

CASE NO.: FEC 17-237

4. Cedar Key City Hall was closed on April 27, 2017, due to staff attending required poll worker and election management training conducted by the Levy County Supervisor of Elections, Tammy Jones. No staff member in the City Clerk's office had conducted an election prior to the City of Cedar Key election scheduled for May 2, 2017. The Levy County Supervisor of Elections office was providing guidance and assistance to the clerk's office. The date for the training was set by the Levy County Supervisor of Elections who prints the ballots for the City and provides the voting equipment for the election. This date was established in the City of Cedar Key 2017 Election Timeline (attached as Exhibit A) which was provided to the City by the Levy County Supervisor of Elections on or about January 24, 2017. In addition, the Supervisor of Elections confirmed the April 27, 2017 date in an email to the City on March 23, 2017 (attached as Exhibit B). The hours of operation of the office at City Hall were posted on the mobile unit which was being utilized at that time, due to the City Hall being damaged by Hurricane Hermine. This mobile unit was utilized as City Hall from December 2016 until January 2018. Notice concerning the office hours on April 27, 2017, were posted on the window adjacent to the front door beginning two weeks prior to April 27, 2017. The Mayor and

commissioners were advised of the required closure of the office. The Notice was also posted prior to that date inside City Hall along with the Notice of Election. The Notice of Election was previously provided in the *Cedar Key Beacon*, a weekly newspaper, and placed on the Community Bulletin Board which is in front of City Hall.

5. The Notice of Election with all actions which would be taken by the City beginning in February 2017 was published and posted in City Hall. A Notice of the Closing of the Office was posted on the building two weeks prior to April 27, 2017. In addition, vote-by-mail ballots were available beginning on March 30, 2017. Therefore electors had more than 35 days to obtain their vote-by-mail ballot.
6. I am unclear concerning the reference or focus on the fifth day prior to the municipal election since ballots were available for weeks prior to the election. The sign posted at the City Hall advised the public where the staff would be on April 27, 2017 (attached as Exhibit C). If an elector wanted a ballot they were advised to contact the Levy County Supervisor of Elections office or to call City Hall and leave a voice mail and staff would make arrangements to provide a ballot to the requesting elector the following day.

City of Cedar Key 2017 Election Timeline

- February 2, 2017- Deadline to publish Election Preparation Report FS 100.032
- February 7, 2017- Schedule Canvassing Board Meetings. Notify and secure canvassing board.
- February 8, 2017- Schedule Poll Worker Training. Notify poll workers.
- February 17, 2017- Publish Notice of Election IAW Section 100.021, FS (send to paper by February 11, 2017).
- March 2, 2017- Publish Notice of Election IAW Section 100.021, FS. Publish Notice of Book Closing IAW Section 97.055, FS (send to paper by February 25, 2017) - Courtesy notice.
- March 3, 2017- Establish confidential and exempt list of absentee ballot requests to be updated daily and made available to designated individuals. FS 101.62(3).
- March 13, 2017 at noon- Qualifying Period Begins. IAW City of Cedar Key Laws of Cedar Key Chapter 2: Article I: 1.00.09(a).
- March 17, 2017 at noon- Qualifying Period Ends. IAW City of Cedar Key Laws of Cedar Key Chapter 2: Article I: 1.00.09(a).
- March 28, 2017- April 4, 2017- Mandated period to mail absentee ballots to voters FS 101.62 4(b). Thereafter, ballots must be mailed within two (2) days upon receipt of the requests through April 28, 2017.
- March 31, 2017- Treasurer's Report Due. IAW FS 106.07(1)(b) and Division of Elections Formal Opinion 98-03.
- April 3, 2017- Books close. IAW FS 97.055.
- April 7, 2017- Treasurer's Report Due. IAW FS 106.07(1)(b) and Division of Elections Formal Opinion 98-03.
- April 14, 2017- Treasurer's Report Due. IAW FS 106.07(1)(b) and Division of Elections Formal Opinion 98-03.
- April 21, 2017- Treasurer's Report Due. IAW FS 106.07(1)(b) and Division of Elections Formal Opinion 98-03.
- April 20, 2017- Publish Notice of Election. IAW Section 100.021, FS. Publish Notice of Logic and Accuracy Test and Notice of Meeting of the Canvassing Board. IAW FS 101.5612 (send to paper on xxx); Publish a Notice of Meeting of the Canvassing Board.
- April 26, 2017 Deadline for mailed Absentee Ballot Requests to be received. IAW FS 101.62 (1)(c)(2)
- April 27, 2017- Poll Worker Training in Bronson.
- April 28, 2017- Logic and Accuracy Test of Election equipment is conducted. IAW FS 101.5612(2); First day for someone other than the voter to pick up an absentee ballot for a voter with a note. 101.62 (4)(c)(4); Publish ballot. IAW Section 101.20(2), FS; Publish a Notice of Meeting of the Canvassing Board.



EXHIBIT 5 page 5 of 9

IAW Section 102.141(2), FS; Publish Notice of Manual Audit FS 101.591(3) & Rule 1S.5.026 (Send to Paper on April 22nd); Treasure's Report Due. IAW IAW FS 106.07(b) and Division of Elections Formal Opinion 98-03.

April 28, 2017- Deadline to mail out Absentee Ballots. IAW FS 101.62(2); Treasure's Report Due. IAW FS 106.07(b) and Division of Elections Formal Opinion 98-03.

May 1, 2017- Last Day for someone other than the voter to pick up and absentee ballot (except for emergencies that would prevent the elector from appearing at the designated polling place on Election Day). 101.62(4)(c)(5).

May 2, 2017 from 7am – 7pm: Conduct Election for Seat "1", Seat "3" and Seat "5" Vacancies. Absentee Ballots Due by 7pm. City of Cedar Key Code of Ordinances Chapter Two: General Ordinances. Article I: Administration. 1.00.00 Elections: General, Special and Run-Offs. 1.00.01. Regular Election of City Commissioners FS100.3605 and FS 100.011(1); Canvassing Board will conduct a canvass of the returns at the closing of the polls. FS 101.5614.

May 4, 2017 at 5:00pm. Provisional voters proof of eligibility deadline.

May 4, 2017 at 7:00 pm. Canvassing Board Members (not all are required) will conduct a manual audit of the votes. FS 101.591 and Rule 1S.5.026.

May 18, 2017- Canvassing Board Report Due. FS 101.591(5).

June 9, 2017- Treasure's Report Due for all uncontested candidates. FS 106.07(b) and Division of Elections Formal Opinion 98-03.

August 1, 2017- Termination Reports Due. FS 106.07(1)(c) and FS 106.141.

This list does not include the preparation activities related to poll workers, training, etc. which will be developed in the course of the election cycle.

12/27/2017

Mail - ngill@cedarkeyfl.us

Cedar Key Election Schedule

Tammy Jones <tammy@votelevy.com>

Thu 3/23/2017 1:04 PM

to Nicole Gill <ngill@cedarkeyfl.us>; Crystal Sharp <csharp@cedarkeyfl.us>;

Nicole and Crystal,

Just confirming upcoming dates since you are having an election:

April 27th= Poll worker training from 9 AM to 6:30 PM at Supervisor of Elections, Bronson
This does not need to be advertised.

April 28th= Logic and Accuracy Testing....Please let me know location and time. I was thinking 10:00 a.m. would be good. This will need to be advertised with your canvassing board schedule of events.

May 2nd= Election Day

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Have a great day,

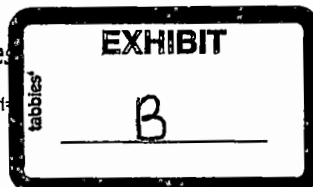
Tammy Jones

Supervisor of Elections
Levy County, Florida
352-486-5163 Ext. 4
tammy@votelevy.com



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Under Florida law, e-mail addresses



If you do not want your e-mail

<https://outlook.office.com/owa/?realm=cedarkeyfl.us&exsvurl=>

ill/search

EXHIBIT 5 page 7 of 9

12/27/2017

Mail - ngill@cedarkeyfl.us

address released in response to a public records request, do not send electronic mail to this entity. Instead, contact this office by phone or in writing.

This response is provided for reference only and does not constitute a formal legal opinion or representation. As applied to a particular set of facts or circumstances, interested parties should refer to the Florida Statutes and applicable case law, and/or consult an attorney to represent their interests before drawing any legal conclusions or relying upon the information provided.

City Hall will be CLOSED
on April 27, 2017 Due
to Election Poll Worker
Training.

City Staff will be at the
Supervisor of Elections
in Bronson please
contact City Staff as
needed.



EXHIBIT 5 page 9 of 9

REC'D: FL ELECTIONS COM
21 MAR 18 PM 12:10

AFFIDAVIT
Case Number FEC 17-237

STATE OF FLORIDA
County of Levy

Tammy Jones, being duly sworn, says:

- 1. This affidavit is made upon my personal knowledge.
- 2. I am of legal age and competent to testify to the matters stated herein. I am currently employed by Levy County Supervisor of Elections as Supervisor of Elections.
- 3. How is it decided when poll worker training for municipalities will be scheduled through your office?

The city clerk and I schedule training after reviewing the election questionnaire.

- 4. On April 27, 2017, a poll worker training was scheduled for the City of Cedar Key. Did your office choose the date of this poll worker training, or was this left up to the City of Cedar Key to decide?

The date was mutual decision based on availability.

- 5. On April 27, 2017, do you recall printing absentee ballots for two City of Cedar Key residents, who had come to your office in person to vote in the municipal election?

Yes

EXHIBIT to page 1 of 2

I HEREBY SWEAR OR AFFIRM THAT THE FOREGOING INFORMATION IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE.

Jammy Lora
Signature of Affiant

Sworn to (or affirmed) and subscribed before me this 14 day of March, 2018

Gloria O Hastings
Signature of Notary Public - State of Florida
Print, Type, or Stamp Commissioned Name of Notary Public



Personally Known or Produced Identification

Type of Identification Produced: _____

Case Investigator: S. Spore

EXHIBIT to page 2 of 2

FLORIDA ELECTIONS COMMISSION
PHONE LOG
Case No.: FEC 17-237

Respondent: Nicole Gill
Attorney: Ron Labasky, Esquire

Complainant: Andrea and Scott Dennison

1. **Date and time:** 09/15/17- 3:05 PM
Name: Scott Dennison- Complainant
Phone #: 352-359-9839

Summary: I had received an e-mail stating Complainant had called while I was out of the office, to find out the status of the case. As I was attempting to return his call, he called again, and I spoke with him. He stated that he felt he had submitted everything that he had regarding his complaint, however, he has had a few follow-up discussions with the Levy County SOE, and wanted to make sure that I understood that she was intimately involved in what had occurred on April 27, 2017, and that he felt I should contact her to get more information. He reiterated his complaint, stating that he was not trying to be malicious, but that he filed his complaint out of concern for voters who were unable to get ballots on April 27, 2017. He explained that he has since learned from the Levy SOE that the day in question was the first day absentee ballots could be picked up by third parties, for people who could not get to the polls to vote. He stated that he has also learned from the Levy SOE that the training that Respondent was attending had been available since December of 2016, and that Respondent specifically chose the date of April 27, 2017 for her office to be trained. He stated his wife was facing illness at the time, and this was the only date that was convenient for them to pick up absentee ballots, as she was facing multiple doctor's appointments before a planned major surgery.

Complainant stated he was alerted yesterday that the city has released the information regarding his complaint, and have placed it on their agenda for the next commission meeting, being held next Tuesday, on September 19, 2017. He has asked to be placed on the agenda as a speaker, to go in front of the city commission to discuss a resolution regarding his complaint. He is not sure if they will let him speak, or whether or not they will agree to his idea for a resolution, but stated he will write a letter for our office if a resolution has been met. He stated he may ask for the FEC to withdraw his complaint, if the resolution can be met.

Memo to File? No

Entered by: S. Spore

2. **Date and time:** 09/18/17- 2:31 PM
Name: Complainant
Phone #: 352-359-9839

Summary: I received a voicemail message from Complainant while I was away from my desk. He asked for me to return his call. I returned his call and reached a voicemail box. I left a message, letting him know that I was returning his call, and left my name, telephone number and extension. Mr. Dennison returned my call with his wife, Andrea at 2:37 PM. He

stated that they are very concerned about the complaint, as they have recently heard that the city is talking about hiring an expensive Tallahassee attorney to handle the complaint with the FEC. He put Mrs. Dennison on the line, and she stated that they do not want to financially burden the city, and had filed the complaint in order to get a resolution, to ensure that the problem that was had with the closure of the office during early voting would not happen again. She asked what the maximum financial penalty would be in a case like this, and I told her I would have to speak with someone at my office to get more information for her. She also asked if it was possible to withdraw the complaint, if a resolution can be made with the city tomorrow at their meeting. I let her know that I would find out this information, and give them a call back as soon as possible.

Memo to File? No

Entered by: S. Spore

3. **Date and time:** 9/19/17- 9:27 AM

Name: Complainant

Phone #: 352-359-9839

Summary: I spoke with Mr. and Ms. Dennison, and let them know that generally, the maximum fine would be around \$1,000, however, this is something that the commission would make a decision about. I also explained that they could submit a letter requesting a withdrawal of the complaint, that would then be up to the discretion of the executive director to take it or not. They stated they understood this, and that they are hoping to go before the Cedar Key City Commission tonight, to see if they can get a resolution on the matter.

Memo to File? No

Entered by: S. Spore

4. **Date and time:** 09/22/17- 8:41 AM

Name: Complainant

Phone #: 352-359-9839

Summary: Complainant called yesterday, as our phone system was being worked on. I got his message at the end of the day, asking me to return his call. I returned his call today. He stated that he went to the Commission meeting, and they did not wish to work out a resolution with him. He states that they are hiring a Tallahassee law firm to represent them, and have stated at the commission meeting that they will be asking for him and his wife to pay the attorney fees. He stated he has an addendum to his complaint, with more information that he would like to submit, and will be doing so soon.

Memo to File? No

Entered by: S. Spore

5. **Date and time:** 09/22/17- 4:13 PM

Name: Complainant

Phone #: 352-359-9839

Summary: I spoke with Complainant, who asked me to verify that I received an e-mail from him with additional information attached. I let him know that I did receive it. He stated he will be mailing an audio and visual file on a thumb drive, that he could not attach to the e-mail. I told him I would keep an eye out for it.

Memo to File? No

Entered by: S. Spore

EXHIBIT 7 page 2 of 5

6. **Date and time:** 10/05/17- 4:38 PM
Name: Complainant
Phone #: 352-359-9839
Summary: Complainant called and asked if we had received the media files that he mailed our office. He explained that the USPS told him that it was delivered to someone in either the secretary of state's office, or the department of state's office, on September 29, 2017, and was signed for at 8:20 am by a Blount or Blunt. I told him that I have not received it as of yet, but that I would keep watch for it.
Memo to File? No
Entered by: S. Spore
7. **Date and time:** 11/17/17- 12:11 PM
Name: Ron Labasky, Esquire- Respondent's Attorney
Phone #: 850-222-7718
Summary: Mr. Labasky called at 10:38 AM, while I was away from my desk, and left a voicemail message stating he was calling to touch base, and to see if I could send him a copy of the original complaint, as he has been unable to get a copy from Respondent. I returned his call as soon as possible. I spoke with a receptionist who stated that Mr. Labasky was not in the office. I asked if I could leave a message for him to return my call, and she took down my name and telephone number and extension, and said she would give it to him when he was back in the office.
Memo to File? No
Entered by: S. Spore
8. **Date and time:** 11/21/17- 11:35 AM
Name: Ron Labasky
Phone #: 850-222-7718
Summary: Mr. Labasky returned my call today at 9:51 AM, while I was away from my desk, and left another voicemail. He stated he would be in and out of the office all day, and stated that if I called and he was not in the office, I could try calling another number: 850-566-2396. I returned his call as soon as possible, at 11:35 AM. I called his office, and was told by the receptionist that he was not in the office at that time, but that she would take a message to let him know I called. I called the other number he left, and reached him. He asked if I could send a copy of the original complaint to his e-mail address (rlabasky@bplawfirm.net). I told him this would not be a problem, and I would get that out to him today. He stated he would be giving me a call sometime next week, to talk about where our office is with the case.
Memo to File? No
Entered by: S. Spore
9. **Date and time:** 12/27/17
Name: Ron Labasky
Phone #: 850-222-7718
Summary: Mr. Labasky called while I was out of the office, and left a voicemail stating that Respondent has been out of the country, and was expected to return that day. He stated she has some medical appointments the rest of this week, and he will be unable to get with her until next week, in regard to completing the questionnaire-affidavit. He asked if they

could have an extension until January 10, 2018 to have it completed. He asked if I could e-mail or leave a voicemail for him, if this would be ok.

Memo to File? No

Entered by: S. Spore

10. **Date and time:** 04/17/18- 2:51 PM

Name: Tammy Jones- SOE of Levy County

Phone #: 352-665-2475

Summary: Ms. Jones called, and stated that she had gotten a public records request from the Complainant, asking for copies of anything our office had sent her office. She stated she wanted to let me know that she had told him that he would need to contact our office for any and all information, if any information was available, as she knew that the investigation was confidential. I thanked her, and asked if I could get some clarification regarding her questionnaire-affidavit. She stated that the City of Cedar Key has used her voting equipment in the past, but that every election year her office contacts the City Clerks in the area by email. to ask about upcoming municipal elections, and to offer training dates. She stated that the City Clerks reply to her email with the election information she requests, and this is when she will either call or email them to set up poll worker training. She mentioned that Respondent had had a baby right around the time that they were working on the election calendar, and that Respondent had been out of the office for quite some time. She stated that she did not know that the City of Cedar Key was going to completely close their office to attend the poll worker training, and if she had known this, she would have advised them to keep it open, so that voting could take place. However, she stated that in her opinion, she did not feel that there was any malicious intent, and that it was an unintentional oversight on the part of the City of Cedar Key and Respondent. I thanked her for the information.

Memo to File? No

Entered by: S. Spore

11. **Date and time:** 05/29/18- 2:27 PM

Name: Ron Labasky's Office

Phone #: 850-222-7718

Summary: I called and spoke with Mr. Labasky's receptionist. She stated that Mr. Labasky was not in the office today, and took down my contact information, letting me know that she would give him the message to return my call regarding FEC 17-237. I thanked her for her help.

Memo to File? No

Entered by: S. Spore

12. **Date and time:** 06/01/18- 9:20 AM

Name: Ron Labasky

Phone #: 850-222-7718

Summary: Mr. Labasky returned my call. I conducted a review of what I had found during my investigation. He stated that there were a few more things he would like to add, and asked if he could have until Monday to get information for me. He stated that Respondent had had given birth prematurely right around the time that the election calendar was being created, and was out of the office for a while, dealing with this. Before she had her baby, she had just started the job as City Clerk. He stated that it is optional for municipalities to offer early

voting, and it was clear that Complainants had gone to City Hall that day, expecting to early vote and turn in their ballot that same day. He stated that he would like to look over his notes in the case before a report of investigation was completed, and would call me back on Monday. I stated this would be fine, and I would await his call.

Memo to File? No

Entered by: S. Spore

13. **Date and time:** 06/04/18- 11:33 AM

Name: Ron Labasky

Phone #: 850-222-7718

Summary: Mr. Labasky called while I was out of the office, and left a voicemail message stating that he did not have anything to add as of now, and would wait for the report of investigation to come before sending any additional information if needed. He told me that I could call him back if I had any additional questions.

Memo to File? No

Entered by: S. Spore

BREWTON PLANTE P.A.

RECEIVED

PROFESSIONAL ASSOCIATION
ATTORNEYS AT LAW
SUITE 825
215 SOUTH MONROE STREET
TALLAHASSEE, FL 32301

2018 JAN 12 P 12:00

STATE OF FLORIDA
ELECTIONS COMMISSION

TELEPHONE 850-222-7718
FACSIMILE 850-222-8222

MAILING ADDRESS:
215 South Monroe Street, Suite 825
TALLAHASSEE, FL 32302-2369

RONALD A. LABASKY, ESQUIRE
rlabasky@bplawfirm.net

January 10, 2018

Via U.S. Mail and Email

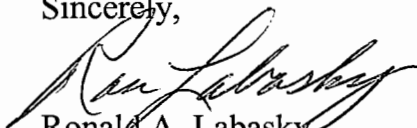
Ms. Samantha Spore
Investigation Specialist
Florida Elections Commission
107 West Gaines Street
Collins Building, Suite 224
Tallahassee, Florida 32399-4539

RE: Case No.: FEC 17-237

Dear Ms. Spore:

Enclosed is the response of Nicole Gill to the questions presented in your affidavit in the above case. Please contact me if there is any question. I look forward to discussing this case with you soon.

Sincerely,



Ronald A. Labasky

RAL/jgw

cc: Jay Lavia

AFFIDAVIT OF BACKGROUND INFORMATION
Case Number: FEC 17-237

STATE OF FLORIDA
County of Levy

Nicole Gill, being duly sworn, says:

1. This affidavit is made upon my personal knowledge.
2. I am of legal age and competent to testify to the matters stated herein. I am currently employed by the City of Cedar Key as City Clerk.

4. Was City Hall closed on Thursday, April 27, 2017? If so, what was the reason of the closure? Please use additional paper if needed.

see attached response

5. If the answer to question 4 is yes, please describe what actions were taken to alert the public that City Hall would be closed that day.

see attached response

6. If the answer to question 4 is yes, please describe what actions were taken to provide electors with vote-by-mail ballots during that day, the fifth day prior to the municipal election.

see attached response

I HEREBY SWEAR OR AFFIRM THAT THE FOREGOING INFORMATION IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE.

Nicole Hill

Signature of Affiant

Sworn to (or affirmed) and subscribed before me this 28th day of December, 20 17

[Signature]

Signature of Notary Public - State of Florida

Print, Type, or Stamp Commissioned Name of Notary Public



Crystal Ann Sharp
NOTARY PUBLIC
STATE OF FLORIDA
Comm# FF240476
Expires 6/15/2019

Personally Known X or Produced Identification _____

Type of Identification Produced: N/A

Case Investigator: S.Spore.

CASE NO.: FEC 17-237

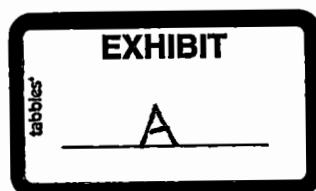
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commissioners were advised of the required closure of the office. The Notice was also posted prior to that date inside City Hall along with the Notice of Election. The Notice of Election was previously provided in the *Cedar Key Beacon*, a weekly newspaper, and placed on the Community Bulletin Board which is in front of City Hall.

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6. I am unclear concerning the reference or focus on the fifth day prior to the municipal election since ballots were available for weeks prior to the election. The sign posted at the City Hall advised the public where the staff would be on April 27, 2017 (attached as Exhibit C). If an elector wanted a ballot they were advised to contact the Levy County Supervisor of Elections office or to call City Hall and leave a voice mail and staff would make arrangements to provide a ballot to the requesting elector the following day.

City of Cedar Key 2017 Election Timeline

- February 2, 2017- Deadline to publish Election Preparation Report FS 100.032
- February 7, 2017- Schedule Canvassing Board Meetings. Notify and secure canvassing board.
- February 8, 2017- Schedule Poll Worker Training. Notify poll workers.
- February 17, 2017- Publish Notice of Election IAW Section 100.021, FS (send to paper by February 11, 2017).
- March 2, 2017- Publish Notice of Election IAW Section 100.021, FS. Publish Notice of Book Closing IAW Section 97.055, FS (send to paper by February 25, 2017) - Courtesy notice.
- March 3, 2017- Establish confidential and exempt list of absentee ballot requests to be updated daily and made available to designated individuals. FS 101.62(3).
- March 13, 2017 at noon- Qualifying Period Begins. IAW City of Cedar Key Laws of Cedar Key Chapter 2: Article I: 1.00.09(a).
- March 17, 2017 at noon- Qualifying Period Ends. IAW City of Cedar Key Laws of Cedar Key Chapter 2: Article I: 1.00.09(a).
- March 28, 2017- April 4, 2017- Mandated period to mail absentee ballots to voters FS 101.62 4(b). Thereafter, ballots must be mailed within two (2) days upon receipt of the requests through April 28, 2017.
- March 31, 2017- Treasurer's Report Due. IAW FS 106.07(1)(b) and Division of Elections Formal Opinion 98-03.
- April 3, 2017- Books close. IAW FS 97.055.
- April 7, 2017- Treasurer's Report Due. IAW FS 106.07(1)(b) and Division of Elections Formal Opinion 98-03.
- April 14, 2017- Treasurer's Report Due. IAW FS 106.07(1)(b) and Division of Elections Formal Opinion 98-03.
- April 21, 2017- Treasurer's Report Due. IAW FS 106.07(1)(b) and Division of Elections Formal Opinion 98-03.
- April 20, 2017- Publish Notice of Election. IAW Section 100.021, FS. Publish Notice of Logic and Accuracy Test and Notice of Meeting of the Canvassing Board. IAW FS 101.5612 (send to paper on xxx); Publish a Notice of Meeting of the Canvassing Board.
- April 26, 2017 Deadline for mailed Absentee Ballot Requests to be received. IAW FS 101.62 (1)(c)(2)
- April 27, 2017- Poll Worker Training in Bronson.
- April 28, 2017- Logic and Accuracy Test of Election equipment is conducted. IAW FS 101.5612(2); First day for someone other than the voter to pick up an absentee ballot for a voter with a note. 101.62 (4)(c)(4); Publish ballot. IAW Section 101.20(2), FS; Publish a Notice of Meeting of the Canvassing Board.



IAW Section 102.141(2), FS; Publish Notice of Manual Audit FS 101.591(3) & Rule 15.5.026 (Send to Paper on April 22nd); Treasure's Report Due. IAW IAW FS 106.07(b) and Division of Elections Formal Opinion 98-03.

April 28, 2017- Deadline to mail out Absentee Ballots. IAW FS 101.62(2); Treasure's Report Due. IAW FS 106.07(b) and Division of Elections Formal Opinion 98-03.

May 1, 2017- Last Day for someone other than the voter to pick up and absentee ballot (except for emergencies that would prevent the elector from appearing at the designated polling place on Election Day). 101.62(4)(c)(5).

May 2, 2017 from 7am – 7pm: Conduct Election for Seat "1", Seat "3" and Seat "5" Vacancies. Absentee Ballots Due by 7pm. City of Cedar Key Code of Ordinances Chapter Two: General Ordinances. Article I: Administration. 1.00.00 Elections: General, Special and Run-Offs. 1.00.01. Regular Election of City Commissioners FS100.3605 and FS 100.011(1); Canvassing Board will conduct a canvass of the returns at the closing of the polls. FS 101.5614.

May 4, 2017 at 5:00pm. Provisional voters proof of eligibility deadline.

May 4, 2017 at 7:00 pm. Canvassing Board Members (not all are required) will conduct a manual audit of the votes. FS 101.591 and Rule 15.5.026.

May 18, 2017- Canvassing Board Report Due. FS 101.591(5).

June 9, 2017- Treasure's Report Due for all uncontested candidates. FS 106.07(b) and Division of Elections Formal Opinion 98-03.

August 1, 2017- Termination Reports Due. FS 106.07(1)(c) and FS 106.141.

This list does not include the preparation activities related to poll workers, training, etc. which will be developed in the course of the election cycle.

Cedar Key Election Schedule

Tammy Jones <tammy@votelevy.com>

Thu 3/23/2017 1:04 PM

to Nicole Gill <ngill@cedarkeyfl.us>; Crystal Sharp <csharp@cedarkeyfl.us>;

Nicole and Crystal,

Just confirming upcoming dates since you are having an election:

April 27th= Poll worker training from 9 AM to 6:30 PM at Supervisor of Elections, Bronson
This does not need to be advertised.

April 28th= Logic and Accuracy Testing....Please let me know location and time. I was thinking 10:00 a.m. would be good. This will need to be advertised with your canvassing board schedule of events.

May 2nd= Election Day

We need to set a date to do the manual audit. I suggest May 4th evening or May 5th morning. I will be at training the following week.

Have a great day,

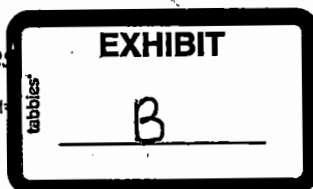
Tammy Jones

Supervisor of Elections
Levy County, Florida
352-486-5163 Ext. 4
tammy@votelevy.com



The Levy County Supervisor of Elections Office is a public entity subject to Chapter 119 of the Florida Statutes concerning public records. E-mail messages are covered under such laws and thus subject to disclosure.

Under Florida law, e-mail addresses



If you do not want your e-mail

12/27/2017

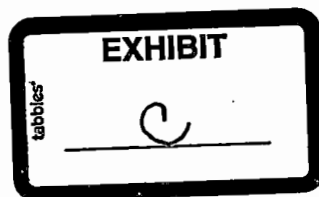
Mail - ngill@cedarkeyfl.us

address released in response to a public records request, do not send electronic mail to this entity. Instead, contact this office by phone or in writing.

This response is provided for reference only and does not constitute a formal legal opinion or representation. As applied to a particular set of facts or circumstances, interested parties should refer to the Florida Statutes and applicable case law, and/or consult an attorney to represent their interests before drawing any legal conclusions or relying upon the information provided.

City Hall will be CLOSED
on April 27, 2017 Due
to Election Poll Worker
Training.

City Staff will be at the
Supervisor of Elections
in Bronson please
contact City Staff as
needed.



Samantha Spore

From: Ronald Labasky <rlabasky@bplawfirm.net>
Sent: Friday, December 29, 2017 5:47 PM
To: Samantha Spore
Subject: RE: Case Number FEC 17-237

Thank you Samantha. Hope your New Year is great.

From: Samantha Spore [Samantha.Spore@myfloridalegal.com]
Sent: Friday, December 29, 2017 2:18 PM
To: Ronald Labasky
Subject: Case Number FEC 17-237

Good afternoon Mr. Labasky,

I received your voicemail when I returned to the office this morning. We can definitely grant an extension on the questionnaire-affidavit. Please have it completed by January 12, 2018.

Thank you so much. Have a happy new year!

Samantha Spore
Investigation Specialist
Florida Elections Commission
The Collins Building, Ste. 224
107 West Gaines Street
Tallahassee, FL 32399-1050
PH: 850-922-4539 ext. 110
Fax: 850-921-0783
www.fec.state.fl.us<<http://www.fec.state.fl.us>>

**STATE OF FLORIDA
FLORIDA ELECTIONS COMMISSION**

In Re: Clerk Nicole Gill

Case No.: FEC 17-237

**NOTICE OF APPEARANCE AND
DESIGNATION OF SERVICE E-MAIL ADDRESS**

RONALD A. LABASKY, ESQUIRE hereby files his Notice of Appearance, appearing as Counsel for the City of Cedar Key Clerk Nicole Gill and would request that copies of all future pleadings, papers and communications be directed to the address and telephone listed below.

Pursuant Rule 2.516 of the Florida Rules of Judicial Administration (effective September 1, 2012), the undersigned hereby designates the following e-mail addresses for the purpose of service of all documents required to be served pursuant to Rule 2.516 in this proceeding: Primary E-Mail Address: rlabasky@bplawfirm.net; Secondary E-Mail Address: fsase@bplawfirm.net.

Respectfully submitted this 2nd day of October, 2017.

/s/ Ronald A. Labasky

Ronald A. Labasky, Esquire
Florida Bar No.: 206326
Brewton Plante, P.A.
215 South Monroe Street, Suite 825
Tallahassee, FL 32301
Telephone: (850) 222-7718
Facsimile: (850) 222-8222
Primary email: rlabasky@bplawfirm.net
Secondary email: fsase@bplawfirm.net

STATE OF FLORIDA
ELECTIONS COMMISSION

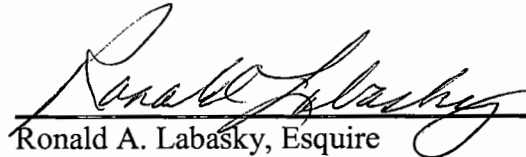
2017 OCT 10 A 10:23

RECEIVED

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by mail and e-mail on this 2nd day of October, 2017 to the following:

Donna Malphurs Agency Clerk
107 W. Gaines Street, Suite 224
Collins Building
Tallahassee, Florida 32399-44539
fec@myfloridalegal.com



Ronald A. Labasky, Esquire

ADDITIONAL INFORMATION TO FLORIDA ELECTIONS COMMISSION COMPLAINT

ENCLOSED SEPARATE FILES WITH ADDITIONAL INFORMATION PERTAINING TO COMPLAINT

September 22, 2017

Florida Elections Commission (VIA EMAIL)

107 West Gaines Street

Suite 224

Tallahassee FL 32399-1050

To whom it may concern –

We want to provide the FEC with the enclosed USB “thumb” drive containing additional information pertaining to the complaint filed against Ms. Nicole Gill, City Clerk – City of Cedar Key.

On the evening of September 19 2017, Scott Dennison appeared before the advertised public meeting of the Cedar Key City Commission (Commission). The Commission had on the agenda for discussion the approval of a contract to hire the Tallahassee law firm of Brewton-Plante. Enclosed are video and audio files recording the results of the presentation and requests of Scott Dennison, and the statements and actions of the Commission.

We respectfully request the FEC staff carefully review the contents of these recordings to fully understand the earnest attempt of Scott and Andrea Dennison to resolve this matter, and the unfortunate harmful and negative comments and actions stated by the majority members of the City Commission.

Enclosed is a PDF file with copies of multiple communications between the City Clerk and the Levy SOE clearly documenting the December 2016 offer of training, well before the City election cycle. There was significant advance notice given to the City to avoid the necessity of closing the City Hall during an open election period. The Levy SOE advised us that the City specifically picked the April 27th date.

Respectfully -

Andrea and Scott Dennison

16851 Susan Street

Cedar Key FL 32625

NOTES REFER TO ATTACHED FILES;

1. FILE: CK COMM MTG 9-19-17 6PM VIDEO FILE The pertinent video info starts at 11 minutes 48 seconds.
2. FILE: 19Sept2017_CKCityComm AUDIO FILE The pertinent audio info starts at 17 minutes 44 seconds.
3. Attached PDF file of TAMMY JONES Cedar Key Communications copies of emails

RECEIVED

2017 SEP 29 P 3: 16

STATE OF FLORIDA
ELECTIONS COMMISSION
TALLAHASSEE, FLORIDA

RECEIVED

2011 SEP 29 P 3:16

PLEASE RETURN, IF POSSIBLE,
THE ENCLOSED USB MEDIA TO:

STATE OF FLORIDA
ELECTIONS COMMISSION

SCOTT DENNISON

16851 SUSAN STREET

CEDAR KEY FL 32625



NOTICE OF APPEARANCE Case No.: 17-237 Clerk Nicole Gill

fsase

to:

fec@myfloridalegal.com

10/02/2017 01:18 PM

Hide Details

From: fsase <fsase@bplawfirm.net>

To: "fec@myfloridalegal.com" <fec@myfloridalegal.com>

1 Attachment



2125_001.pdf

Please see the attached document for filing in Case No.: 17-237. Atten: Donna Malphurs. A hard copy to follow.

Sincerely,

Janet Williams

Executive Assistant to Ronald A. Labasky,
FSASE General Counsel

Brewton Plante, P.A.
215 South Monroe Street, Suite 825
Tallahassee, FL 32301
850-599-9120 FSASE Office Phone
850-222-7718 BP Office Phone
850-222-8222 Fax

From: admin@bplawfirm.net [<mailto:admin@bplawfirm.net>]

Sent: Monday, October 02, 2017 2:09 PM

To: fsase

Subject: Attached Image

**STATE OF FLORIDA
FLORIDA ELECTIONS COMMISSION**

In Re: Clerk Nicole Gill

Case No.: FEC 17-237

**NOTICE OF APPEARANCE AND
DESIGNATION OF SERVICE E-MAIL ADDRESS**

RONALD A. LABASKY, ESQUIRE hereby files his Notice of Appearance, appearing as Counsel for the City of Cedar Key Clerk Nicole Gill and would request that copies of all future pleadings, papers and communications be directed to the address and telephone listed below.

Pursuant Rule 2.516 of the Florida Rules of Judicial Administration (effective September 1, 2012), the undersigned hereby designates the following e-mail addresses for the purpose of service of all documents required to be served pursuant to Rule 2.516 in this proceeding: Primary E-Mail Address: rlabasky@bplawfirm.net; Secondary E-Mail Address: fsase@bplawfirm.net.

Respectfully submitted this 2nd day of October, 2017.

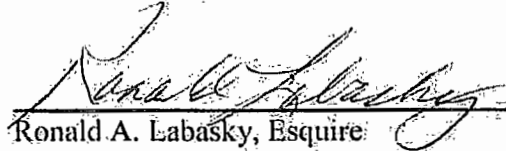
/s/ Ronald A. Labasky

Ronald A. Labasky, Esquire
Florida Bar No.: 206326
Brewton Plante, P.A.
215 South Monroe Street, Suite 825
Tallahassee, FL 32301
Telephone: (850) 222-7718
Facsimile: (850) 222-8222
Primary email: rlabasky@bplawfirm.net
Secondary email: fsase@bplawfirm.net

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by mail and e-mail on this 2nd day of October, 2017 to the following:

Donna Malphurs Agency Clerk
107 W. Gaines Street, Suite 224
Collins Building
Tallahassee, Florida 32399-44539
fec@myfloridalegal.com


Ronald A. Labasky, Esquire



Refer FEC Complaint Cedar Key City Clerk

Scott Dennison

to:

samantha.spore@myfloridalegal.com

09/22/2017 02:51 PM

Cc:

Scott Dennison

Hide Details

From: Scott Dennison <dsdennison@bellsouth.net>

To: "samantha.spore@myfloridalegal.com" <samantha.spore@myfloridalegal.com>

Cc: Scott Dennison <dsdennison@bellsouth.net>

Please respond to Scott Dennison <dsdennison@bellsouth.net>

1 Attachment



TAMMY JONES REFER Cedar Key Communications.pdf

**ADDITIONAL INFORMATION TO FLORIDA ELECTIONS COMMISSION COMPLAINT
SEPARATE FILES WITH ADDITIONAL INFORMATION PERTAINING TO COMPLAINT WILL BE MAILED**

September 22, 2017

Florida Elections Commission (VIA EMAIL)

107 West Gaines Street

Suite 224

Tallahassee FL 32399-1050

To whom it may concern –

We want to provide the FEC with updated and additional information pertaining to the complaint filed against Ms. Nicole Gill, City Clerk – City of Cedar Key. Our intent of the complaint is not meant to be malicious or slanderous, but to ensure the City would not allow a future re-occurrence of closing City Hall during an active and open election period.

On the evening of September 19 2017, Scott Dennison appeared before the advertised public meeting of the Cedar Key City Commission (Commission). The Commission had on the agenda for discussion the approval of a contract to hire a Tallahassee law firm. Attached are video and audio files recording the results of the presentation and requests of Scott Dennison, and the statements and actions of the Commission. We respectfully request the FEC staff carefully review the contents of these recordings to fully understand the earnest attempt of Scott and Andrea Dennison to resolve this matter, and the unfortunate harmful and negative comments and actions stated by the majority members of the City Commission.

During the City Commission meeting, Scott Dennison requested the City to simply provide some type of written statement with the assurance and recognition that City Hall should not be closed during an open and active election period. This could have been an ordinance, resolution, or a simple letter to the FEC and us. The format or type of written assurance was at the discretion of the City. We did not ask for any actions to be taken by the City Commission against the City Clerk, nor the City Administrator – Mr. Davis. We did not make our request with any malice or ill will. Our hope was that with a good faith, or good cause written statement from the City Commission, that together, the City and we could submit a request to withdraw the complaint before the FEC per the provision of FS Chapter 106.25 (2). The intent was to show the FEC that both parties had resolved the complaint, and not require any further effort by the FEC staff and members.

Based upon the public statements made during the recorded City Commission meeting, by the City Administrator, and the majority members of the City Commission, we are both scared and fearful

of punitive, retaliatory actions, along with financial judgement will be taken and sought by the City against us. We are two retired taxpayers who are simply concerned about fair and reasonable access for all City voters during an election period.

We continue to believe the City of Cedar Key, including the City Clerk – Ms. Gill, and City Administrator-Mr. Davis, knowingly closed the City Hall during the early/absentee voting period for the upcoming City elections of May 2nd 2017. The facts are City Hall was closed all day April 27th depriving and interfering with any and all City voters of their voting rights. It is unknown how many City voters were impacted and were not be able to vote (absentee) in City elections. No alternate location was open. No advertised lawful public notice was given to the public.

It is noteworthy that it was only through the intervention of the Levy SOE – Ms. Tammy Jones, that we were able to obtain our absentee ballots. We had to drive 30+ miles from Cedar Key to Bronson to ask for the Levy SOE to assist us.

We have been advised by the Levy County SOE, Ms. Tammy Jones, that the offer of training to the City of Cedar Key began in December 2016. Attached to this email communications are copies of multiple communications between the City Clerk and the Levy SOE clearly documenting the early offer of training well before the City election cycle. There was significant advance notice given to the City to avoid the necessity of closing the City Hall during an open election period. The Levy SOE advised us that the City specifically picked the April 27th date.

We hope the Florida Elections Commission will see the serious and egregious nature of this elections violation by the officials of the City of Cedar Key, and their malice towards us demonstrated at the public City Commission meeting of September 19, 2017.

Respectfully -
Andrea and Scott Dennison
16851 Susan Street
Cedar Key FL 32625

NOTES REFER TO ATTACHED FILES;

1. FILE: CK COMM MTG 9-19-17 6PM VIDEO FILE The pertinent video info starts at 11 minutes 48 seconds.
2. FILE: 19Sept2017_CKCityComm AUDIO FILE The pertinent audio info starts at 17 minutes 44 seconds.
3. Attached PDF file of TAMMY JONES Cedar Key Communications copies of emails

[Print](#) | [Close Window](#)

Subject: 2017 Election Dates

From: jordan@votelevy.com

Date: Mon, Dec 12, 2016 2:10 pm

To: "Nicole Gill" <ngill@cedarkeyfl.us>, "Mary Ellzey" <mary@chieflandfla.com>, "Pamela Whitehead" <BronsonClerk@townofbronson.org>, "Connie Caldwell" <ottercreektownha@bellsouth.net>, frances.taylor@ci.williston.fl.us

Attach: sigimg0

City Questionnaire 2017.pdf

Good afternoon! Since 2017 is fast approaching our office needs to know when your city elections will be for the upcoming year. I've attached a form that will be need to be completed by Monday, December 19th (if possible). This form will ask you to list out important dates pertaining to your election.

Please note: If you already verified your officials information on the website with our office you can disregard the top portion of the form.

Let me know if you have any questions. Thank you!

Have a great day,

Jordan Lindsey

Assistant Supervisor of Elections

Levy County, Florida

(352)486-5163, Ext. 7

jordan@votelevy.com



The Levy County Supervisor of Elections Office is a public entity subject to Chapter 119 of the Florida Statutes concerning public records. E-mail messages are covered under such laws and thus subject to disclosure.

Under Florida law, e-mail addresses are public records. If you do not want your e-mail address released in response to a public records request, do not send electronic mail to this entity. Instead, contact this office by phone or in writing.

This response is provided for reference only and does not constitute a formal legal opinion or representation. As applied to a particular set of facts or circumstances, interested parties should refer to the Florida Statutes and applicable case law, and/or consult an attorney to represent their interests before drawing any legal conclusions or relying upon the information provided.

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1. Please visit our website at www.votelevy.com. Under the elected official tab click on city officials and verify your municipal information. If all is correct on our website write correct on the line below. If you see an error or change that needs to be made please make the change(s) below.

Example: Seat A John Smith 485 W Thrasher Ave Bronson, FL 32621 (352)447-2983



2. Is your municipality having an election in 2017? Yes No

If yes above, answer questions below:

Qualifying Dates: _____

Qualifying Times: _____

Election Date: _____

What seats/districts are up in 2017? _____

How long is the term of office? _____

Will you be using our voting equipment? Yes No

Will you need us to print your ballots? Yes No

If yes, approximately how many ballots? _____

- Once this form is received I will be contacting you by phone to setup your Logic and Accuracy Testing for your equipment and manual audit? (If using our voting equipment) In addition, a date for your pollworker training.

[Print](#) | [Close Window](#)

Subject: Re: 2017 Election Dates
From: Nicole Gill <ngill@cedarkeyfl.us>
Date: Tue, Dec 13, 2016 9:53 am
To: "Jordan@votelevy.com" <jordan@votelevy.com>
Attach: sigimg0
City Questionnaire 2017- Cedar Key.pdf

Thank you again for all of your help!

Nicole Gill
City Clerk
City of Cedar Key
(352)543-5132 Main
(866) 674-2419 FAX

Florida has a very broad public records law. Written communications to or from state officials regarding state business constitute public records and are available to the public and media upon request unless the information is subject to a specific statutory exemption. Therefore, this email and any that you sent that generated this response may be subject to public disclosure.

From: Jordan@votelevy.com <jordan@votelevy.com>
Sent: Monday, December 12, 2016 4:10:40 PM
To: Nicole Gill; Mary Ellzey; Pamela Whitehead; Connie Caldwell; frances.taylor@ci.williston.fl.us
Subject: 2017 Election Dates

Good afternoon! Since 2017 is fast approaching our office needs to know when your city elections will be for the upcoming year. I've attached a form that will be need to be completed by Monday, December 19th (if possible). This form will ask you to list out important dates pertaining to your election.

Please note: If you already verified your officials information on the website with our office you can disregard the top portion of the form.

Let me know if you have any questions. Thank you!

Have a great day,

Jordan Lindsey
Assistant Supervisor of Elections
Levy County, Florida
(352)486-5163, Ext. 7
jordan@votelevy.com



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1. Please visit our website at www.votelevy.com. Under the elected official tab click on city officials and verify your municipal information. If all is correct on our website write correct on the line below. If you see an error or change that needs to be made please make the change(s) below.

Example: Seat A John Smith 485 W Thrasher Ave Bronson, FL 32621 (352)447-2983

Verified via email earlier this month.



2. Is your municipality having an election in 2017? Yes No

If yes above, answer questions below:

Qualifying Dates: March 13 through March 17

Qualifying Times: 8:30 am until 4:00 pm March 13- 16, 8:30 am until noon March 17

Election Date: May 2, 2016

What seats/districts are up in 2017? Seats 1, Seat 3, and Seat 5

How long is the term of office? Two years

Will you be using our voting equipment? Yes No Please, if available.

Will you need us to print your ballots? Yes No Please, if available.

If yes, approximately how many ballots? 350

- Once this form is received I will be contacting you by phone to setup your Logic and Accuracy Testing for your equipment and manual audit? (If using our voting equipment) In addition, a date for your pollworker training.

Thank you! Will we be having a training for qualifying and timeline?

[Print](#) | [Close Window](#)

Subject: Re: I NEED YOUR IMMEDIATE ATTENTION Election Request
From: Nicole Gill <ngill@cedarkeyfl.us>
Date: Thu, Jan 07, 2016 8:23 am
To: Tammy Jones <tammy@votelevy.com>
Cc: Jordan Lindsey <jordan@votelevy.com>
Attach: sigimg0

Tammy-

Cedar Key

Qualifying: March 14 – March 18, 2016 ? Need times **March 14- March 17: 8:30 am- 4:00 pm, March 18 8:30 am- 12:00 pm.**

Proof ballot: March 25, 2016

Books close: April 4, 2016

Pollworker Training: April 28, 2016 Time? **Open to any times. Please let me know what steps I need to complete to obtain pollworkers and schedule this training.**

L/A Test: April 28, 2016 Time? **Open to any times. Please advise what the typical schedule is and I will follow.**

Election: May 3, 2016

Manual Audit: May 5, 2016 Time? (needs to be evening) **I would suggest 6:00 pm if that is ok.**

In the event no candidate receives a majority of the votes cast in a group or groups, a runoff election shall be held on the third (3rd) Tuesday (May 17th) following between the two (2) candidates in such group or groups receiving the highest number of votes cast. The candidates in each group receiving the highest number of votes cast in such runoff election shall be elected.

Cedar Key City Hall will be fully functional for the March 15 Election.

Please let me know if I can assist with anything further.

Nicole Gill
City Clerk
City of Cedar Key
(352)543-5132 Main
(866) 674-2419 FAX

Florida has a very broad public records law. Written communications to or from state officials regarding state business constitute public records and are available to the public and media upon request unless the information is subject to a specific statutory exemption. Therefore, this email and any that you sent that generated this response may be subject to public disclosure.

From: Tammy Jones <tammy@votelevy.com>
Sent: Tuesday, January 5, 2016 11:55 AM
To: Pamela Whitehead; Nicole Gill; Mary Ellzey; Sheila Watson; Sally McCranie; Connie Caldwell; Frances Taylor; Town Yankeetown

[Print](#) | [Close Window](#)

Subject: Cedar Key Election Timeline
From: Nicole Gill <ngill@cedarkeyfl.us>
Date: Tue, Jan 24, 2017 8:52 am
To: "tammy@votelevy.com" <tammy@votelevy.com>
Cc: Crystal Sharp <csharp@cedarkeyfl.us>, Donna Risker <drisker@cedarkeyfl.us>
Attach: Election Timeline- 2017.docx

Good Morning!

Hopefully all is well in Bronson and you are able to take a little time to breath again.

Would you be able to review my Election Timeline and see if I am mission anything?

(We are in a mobile unit behind City Hall right now... Not sure if we will be doing the election in "City Hall" or the Community Center.)

We will need to confirm the Canvassing Board and appropriate meetings. Also, we will need to schedule a training day so that we can secure our Poll workers.

Thank you so much!

Nicole Gill
City Clerk
City of Cedar Key
(352)543-5132 Main
(866) 674-2419 FAX

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City of Cedar Key 2017 Election Timeline

February 2, 2017- Deadline to publish Election Preparation Report FS 100.032

February 7, 2017- Schedule Canvassing Board Meetings. Notify and secure canvassing board.

February 8, 2017- Schedule Poll Worker Training. Notify poll workers.

February 17, 2017- Publish Notice of Election IAW Section 100.021, FS (send to paper by February 11, 2017).

March 2, 2017- Publish Notice of Election IAW Section 100.021, FS. Publish Notice of Book Closing IAW Section 97.055, FS (send to paper by February 25, 2017) - Courtesy notice.

March 3, 2017- Establish confidential and exempt list of absentee ballot requests to be updated daily and made available to designated individuals. FS 101.62(3).

March 13, 2017 at noon- Qualifying Period Begins. IAW City of Cedar Key Laws of Cedar Key Chapter 2: Article I: 1.00.09(a).

March 17, 2017 at noon- Qualifying Period Ends. IAW City of Cedar Key Laws of Cedar Key Chapter 2: Article I: 1.00.09(a).

March 28, 2017- April 4, 2017- Mandated period to mail absentee ballots to voters FS 101.62 4(b). Thereafter, ballots must be mailed within two (2) days upon receipt of the requests through April 28, 2017.

March 31, 2017- Treasurer's Report Due. IAW FS 106.07(1)(b) and Division of Elections Formal Opinion 98-03.

April 3, 2017- Books close. IAW FS 97.055.

April 7, 2017- Treasurer's Report Due. IAW FS 106.07(1)(b) and Division of Elections Formal Opinion 98-03.

April 14, 2017- Treasurer's Report Due. IAW FS 106.07(1)(b) and Division of Elections Formal Opinion 98-03.

April 21, 2017- Treasurer's Report Due. IAW FS 106.07(1)(b) and Division of Elections Formal Opinion 98-03.

April 20, 2017- Publish Notice of Election. IAW Section 100.021, FS. Publish Notice of Logic and Accuracy Test and Notice of Meeting of the Canvassing Board. IAW FS 101.5612 (send to paper on xxx); Publish a Notice of Meeting of the Canvassing Board.

April 26, 2017 Deadline for mailed Absentee Ballot Requests to be received. IAW FS 101.62 (1)(c)(2)

April 27, 2017- Poll Worker Training in Bronson.

April 28, 2017- Logic and Accuracy Test of Election equipment is conducted. IAW FS 101.5612(2); First day for someone other than the voter to pick up an absentee ballot for a voter with a note. 101.62 (4)(c)(4); Publish ballot. IAW Section 101.20(2), FS; Publish a Notice of Meeting of the Canvassing Board.

IAW Section 102.141(2), FS; Publish Notice of Manual Audit FS 101.591(3) & Rule 1S.5.026 (Send to Paper on April 22nd); Treasure's Report Due. IAW IAW FS 106.07(b) and Division of Elections Formal Opinion 98-03.

April 28, 2017- Deadline to mail out Absentee Ballots. IAW FS 101.62(2); Treasure's Report Due. IAW FS 106.07(b) and Division of Elections Formal Opinion 98-03.

May 1, 2017- Last Day for someone other than the voter to pick up and absentee ballot (except for emergencies that would prevent the elector from appearing at the designated polling place on Election Day). 101.62(4)(c)(5).

May 2, 2017 from 7am – 7pm: Conduct Election for Seat "1", Seat "3" and Seat "5" Vacancies. Absentee Ballots Due by 7pm. City of Cedar Key Code of Ordinances Chapter Two: General Ordinances. Article I: Administration. 1.00.00 Elections: General, Special and Run-Offs. 1.00.01. Regular Election of City Commissioners FS100.3605 and FS 100.011(1); Canvassing Board will conduct a canvass of the returns at the closing of the polls. FS 101.5614.

May 3, 2017 at 10am. Canvassing Board Members (not all are required) will conduct a manual audit of the votes. FS 101.591 and Rule 1S.5.026.

May 18, 2017- Canvassing Board Report Due. FS 101.591(5).

June 9, 2017- Treasure's Report Due for all uncontested candidates. FS 106.07(b) and Division of Elections Formal Opinion 98-03.

August 1, 2017- Termination Reports Due. FS 106.07(1)(c) and FS 106.141.

This list does not include the preparation activities related to poll workers, training, etc. which will be developed in the course of the election cycle.

[Print](#) | [Close Window](#)

Subject: Re: Cedar Key Election Timeline
From: Nicole Gill <ngill@cedarkeyfl.us>
Date: Thu, Jan 26, 2017 1:39 pm
To: Tammy Jones <tammy@votelevy.com>
Attach: sigimg0

Thank you!

This is so helpful!

Can you order a lunch for the group (and your wonderful team) and have them send us an invoice?

This way you get to pick a yummy lunch that your team would love!!!

Could you give me a sample of what each positions base pay would be for a typical election?

Again, thank you for everything!

Nicole Gill
City Clerk
City of Cedar Key
(352)543-5132 Main
(866) 674-2419 FAX

Florida has a very broad public records law. Written communications to or from state officials regarding state business constitute public records and are available to the public and media upon request unless the information is subject to a specific statutory exemption. Therefore, this email and any that you sent that generated this response may be subject to public disclosure.

From: Tammy Jones <tammy@votelevy.com>
Sent: Wednesday, January 25, 2017 1:52:06 PM
To: Nicole Gill
Subject: RE: Cedar Key Election Timeline

Hi Nicole,

Here are a couple of things I found:

- 1) I attached the pollworkers we used in 2016 General if you are interested in using any of them. Donna and Crystal know which ones are the best.
- 2) Provisional voters have until Thursday, May 4th at 5:00 p.m. to bring proof of eligibility. Therefore you need to wait until either Thursday night or Friday morning to do the manual audit. I would recommend Thursday night because if you use the judge or county commissioner that would work the

best for their schedules.

3) I have attached a training schedule and agenda for April 27th. If that works let me know. I would just ask that y'all provide lunch for the workers.

4) I only publish 1 notice for all canvassing meetings. It saves money. See my general election example.

I am going to a meeting the next two days but will be checking my email if you have any further questions.

Have a great week,

Tammy Jones

Supervisor of Elections
Levy County, Florida
352-486-5163 Ext. 4
tammy@votelevy.com



The Levy County Supervisor of Elections Office is a public entity subject to Chapter 119 of the Florida Statutes concerning public records. E-mail messages are covered under such laws and thus subject to disclosure.

Under Florida law, e-mail addresses are public records. If you do not want your e-mail address released in response to a public records request, do not send electronic mail to this entity. Instead, contact this office by phone or in writing.

This response is provided for reference only and does not constitute a formal legal opinion or representation. As applied to a particular set of facts or circumstances, interested parties should refer to the Florida Statutes and applicable case law, and/or consult an attorney to represent their interests before drawing any legal conclusions or relying upon the information provided.

[Print](#) | [Close Window](#)

Subject: Re: Cedar Key Election Timeline
From: Nicole Gill <ngill@cedarkeyfl.us>
Date: Mon, Jan 30, 2017 12:44 pm
To: Tammy Jones <tammy@votelevy.com>
Attach: sigimg0
sigimg0

Thank you so much for all of your help!

Nicole Gill
City Clerk
City of Cedar Key
(352)543-5132 Main
(866) 674-2419 FAX

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From: Tammy Jones <tammy@votelevy.com>
Sent: Monday, January 30, 2017 10:57:34 AM
To: Nicole Gill
Subject: RE: Cedar Key Election Timeline

Nicole,

Here is a detailed payroll report for precinct 4, Cedar Key from the General Election.

Have a great day,

Tammy Jones

Supervisor of Elections
Levy County, Florida
352-486-5163 Ext. 4
tammy@votelevy.com



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This way you get to pick a yummy lunch that your team would love!!!

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Nicole Gill
City Clerk
City of Cedar Key
(352)543-5132 Main
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- 3) I have attached a training schedule and agenda for April 27th. If that works let me know. I would just ask that y'all provide lunch for the workers.
- 4) I only publish 1 notice for all canvassing meetings. It saves money. See my general election example.

I am going to a meeting the next two days but will be checking my email if you have any further questions.

Have a great week,

Tammy Jones
Supervisor of Elections

Levy County, Florida
352-486-5163 Ext. 4
tammy@votelevy.com



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----- Original Message -----

Subject: Cedar Key Election Timeline
From: Nicole Gill <ngill@cedarkeyfl.us>
Date: Tue, January 24, 2017 8:52 am
To: "tammy@votelevy.com" <tammy@votelevy.com>
Cc: Crystal Sharp <csharp@cedarkeyfl.us>, Donna Risker <drisker@cedarkeyfl.us>

Good Morning!

Hopefully all is well in Bronson and you are able to take a little time to breath again.

Would you be able to review my Election Timeline and see if I am mission anything?

(We are in a mobile unit behind City Hall right now... Not sure if we will be doing the election in "City Hall" or the Community Center.)

We will need to confirm the Canvassing Board and appropriate meetings. Also, we will need to schedule a training day so that we can secure our Poll workers.

Thank you so much!

Nicole Gill
City Clerk
City of Cedar Key
(352)543-5132 Main
(866) 674-2419 FAX

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[Print](#) | [Close Window](#)

Subject: binders
From: Crystal Sharp <csharp@cedarkeyfl.us>
Date: Wed, Mar 08, 2017 3:14 pm
To: "tammy@votelevy.com" <tammy@votelevy.com>
Attach: Tammy.pdf

can you please tell me which form we need for our binders for commission

**Thanks
Crystal Sharp
Clerks Office
City of Cedar Key
(352)543-5132**

Florida has a very broad public records law. Written communications to or from state officials regarding state business constitute public records and are available to the public and media upon request unless the information is subject to a specific statutory exemption. Therefore, this email and any that you sent that generated this response may be subject to public disclosure.

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**CANDIDATE OATH -
PRECINCT COMMITTEEMEN AND
COMMITTEEWOMEN**

OFFICE USE ONLY

OATH OF CANDIDATE (Section 99.021, Florida Statutes)

(PLEASE PRINT NAME AS YOU WISH IT TO APPEAR ON THE BALLOT - NAME MAY NOT BE CHANGED AFTER THE END OF QUALIFYING)

I am a candidate for the office of Precinct Committeeman Committeewoman Precinct Number _____

I am a qualified elector of _____ County, Florida; I am qualified under the Constitution and the Laws of Florida to hold the office to which I desire to be nominated or elected; and I will support the Constitution of the United States and the Constitution of the State of Florida.

Candidate's Florida Voter Registration Number (located on your voter information card): _____

* Please print name phonetically on the line below as you wish it to be pronounced on the audio ballot for persons with disabilities (see instructions on page 2 of this form):

STATEMENT OF PARTY (Section 99.021, Florida Statutes)

I am a member of the _____ Party; I have not been a registered member of any other political party for 365 days before the beginning of qualifying preceding the general election for which I seek to qualify; and I have paid the assessment levied against me, if any, as a candidate for said office by the executive committee of the political party, of which I am a member.

X

()

Signature of Candidate

Telephone Number

Email Address

Address

City

State

ZIP Code

STATE OF FLORIDA

COUNTY OF _____

Sworn to (or affirmed) and subscribed before me this _____ day of _____, 20____.

Personally Known: _____ or

Produced Identification: _____

Type of Identification Produced: _____

Signature of Notary Public

Print, Type, or Stamp Commissioned Name of Notary Public

**CANDIDATE OATH –
NONPARTISAN OFFICE**

(Not for use by Judicial or
School Board Candidates)

OFFICE USE ONLY

OATH OF CANDIDATE
(Section 99.021, Florida Statutes)

I, _____
(PLEASE PRINT NAME AS YOU WISH IT TO APPEAR ON THE BALLOT* – NAME MAY NOT BE CHANGED AFTER THE END OF QUALIFYING)

am a candidate for the nonpartisan office of Cedar Key Water & Sewer District, _____
(office) (district #)

_____; I am a qualified elector of Levy County, Florida;
(circuit #) (group or seat #)

I am qualified under the Constitution and the Laws of Florida to hold the office to which I desire to be nominated or elected; I have qualified for no other public office in the state, the term of which office or any part thereof runs concurrent with the office I seek; and I have resigned from any office from which I am required to resign pursuant to Section 99.012, Florida Statutes; and I will support the Constitution of the United States and the Constitution of the State of Florida.

X

()

Signature of Candidate

Telephone Number

Email Address

Address

City

State

ZIP Code

Candidate's Florida Voter Registration Number (located on your voter information card): _____

* Please print name phonetically on the line below as you wish it to be pronounced on the audio ballot for persons with disabilities (see instructions on page 2 of this form):

STATE OF FLORIDA

COUNTY OF _____

Sworn to (or affirmed) and subscribed before me this _____ day of _____, 20_____.

Personally Known: _____ or

Produced Identification: _____

Type of Identification Produced: _____

Signature of Notary Public

Print, Type, or Stamp Commissioned Name of Notary Public

[Print](#) | [Close Window](#)

Subject: Election Question
From: Donna Risker <drisker@cedarkeyfl.us>
Date: Tue, Mar 21, 2017 1:11 pm
To: Tammy Jones <tammy@votelevy.com>
Attach: Nickie Rucker.pdf

I sent you all her information.

Thank you,

Donna Risker
Billing Clerk
City of Cedar Key
352-543-5132

Copyright © 2003-2017. All rights reserved.

Angela Nick Rucker Campaign Acct
16856 Sturgis Circle
Cedar Key, FL 32625

63-1387/631 1001

17 March 2017
DATE

PAY TO THE
ORDER OF

City of Cedar Key

\$ 48 ⁰⁰/₁₀₀

FRONT

Forty-Eight & ⁰⁰/₁₀₀ xx
Drummond Community Bank
Chiefland, Florida 32626

DOLLARS



Security Features
Check on
Back

FOR

MP



**APPOINTMENT OF CAMPAIGN TREASURER
AND DESIGNATION OF CAMPAIGN
DEPOSITORY FOR CANDIDATES**

(Section 106.021(1), F.S.)

(PLEASE PRINT OR TYPE)

NOTE: This form must be on file with the qualifying officer before opening the campaign account.

OFFICE USE ONLY

1. CHECK APPROPRIATE BOX(ES):

Initial Filing of Form Re-filing to Change: Treasurer/Deputy Depository Office Party

2. Name of Candidate (in this order: First, Middle, Last)

Angela Nick Rucker

3. Address (include post office box or street, city, state, zip code)

16856 Sturgis Circle
Cedar Key FL

4. Telephone

(352) 477-0007

5. E-mail address

NickiesHomes@gmail.com

6. Office sought (include district, circuit, group number)

City Commission Seat # 3

7. If a candidate for a nonpartisan office, check if applicable:

My intent is to run as a Write-In candidate.

8. If a candidate for a partisan office, check block and fill in name of party as applicable: My intent is to run as a

Write-In No Party Affiliation _____ Party candidate.

9. I have appointed the following person to act as my Campaign Treasurer Deputy Treasurer

10. Name of Treasurer or Deputy Treasurer

Angela Nick Rucker

11. Mailing Address

16856 Sturgis Cir Cedar Key FL

12. Telephone

(352) 477-0007

13. City

Cedar Key

14. County

Levy

15. State

FL

16. Zip Code

32625

17. E-mail address

NickiesHomes@gmail.com

18. I have designated the following bank as my Primary Depository Secondary Depository

19. Name of Bank

Fairwinds Credit Union

20. Address

1351 S. SEMORAN BLVD.
SEMORAN

21. City

Winter Park

22. County

Seminole

23. State

FL

24. Zip Code

32792

UNDER PENALTIES OF PERJURY, I DECLARE THAT I HAVE READ THE FOREGOING FORM FOR APPOINTMENT OF CAMPAIGN TREASURER AND DESIGNATION OF CAMPAIGN DEPOSITORY AND THAT THE FACTS STATED IN IT ARE TRUE.

25. Date

3/17/17

26. Signature of Candidate

X

27. **Treasurer's Acceptance of Appointment** (fill in the blanks and check the appropriate block)

I, Angela N. Rucker, do hereby accept the appointment
(Please Print or Type Name)

designated above as: Campaign Treasurer Deputy Treasurer.

3/17/17
Date

X
Signature of Campaign Treasurer or Deputy Treasurer

**STATEMENT OF
CANDIDATE**

(Section 106.023, F.S.)


(Please print or type)

OFFICE USE ONLY


I, Angela N. Rucker

candidate for the office of City Commissioner Seat 3

have been provided access to read and understand the requirements of
Chapter 106, Florida Statutes.

X 

Signature of Candidate


3/17/17
Date

Each candidate must file a statement with the qualifying officer within 10 days after the Appointment of Campaign Treasurer and Designation of Campaign Depository is filed. Willful failure to file this form is a first degree misdemeanor and a civil violation of the Campaign Financing Act which may result in a fine of up to \$1,000, (ss. 106.19(1)(c), 106.265(1), Florida Statutes).

PART D — INTANGIBLE PERSONAL PROPERTY [Stocks, bonds, certificates of deposit, etc. - See instructions]
 (If you have nothing to report, write "none" or "n/a")

TYPE OF INTANGIBLE	BUSINESS ENTITY TO WHICH THE PROPERTY RELATES
NONE	

PART E — LIABILITIES [Major debts - See instructions]
 (If you have nothing to report, write "none" or "n/a")

NAME OF CREDITOR	ADDRESS OF CREDITOR
NONE	

PART F — INTERESTS IN SPECIFIED BUSINESSES [Ownership or positions in certain types of businesses - See instructions]
 (If you have nothing to report, write "none" or "n/a")

	BUSINESS ENTITY # 1	BUSINESS ENTITY # 2
NAME OF BUSINESS ENTITY	NONE	
ADDRESS OF BUSINESS ENTITY		
PRINCIPAL BUSINESS ACTIVITY		
POSITION HELD WITH ENTITY		
I OWN MORE THAN A 5% INTEREST IN THE BUSINESS		
NATURE OF MY OWNERSHIP INTEREST		

PART G — TRAINING

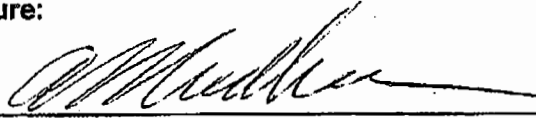
For elected municipal officers required to complete annual ethics training pursuant to section 112.3142, F.S.

I CERTIFY THAT I HAVE COMPLETED THE REQUIRED TRAINING.

IF ANY OF PARTS A THROUGH G ARE CONTINUED ON A SEPARATE SHEET, PLEASE CHECK HERE

SIGNATURE OF FILER:

Signature:



Date Signed:

3/17/17

CPA or ATTORNEY SIGNATURE ONLY

If a certified public accountant licensed under Chapter 473, or attorney in good standing with the Florida Bar prepared this form for you, he or she must complete the following statement:

I, _____, prepared the CE Form 1 in accordance with Section 112.3145, Florida Statutes, and the instructions to the form. Upon my reasonable knowledge and belief, the disclosure herein is true and correct.

CPA/Attorney Signature: _____

Date Signed: _____

FILING INSTRUCTIONS:

WHAT TO FILE:

After completing all parts of this form, including signing and dating it, send back only the first sheet (pages 1 and 2) for filing.

If you have nothing to report in a particular section, write "none" or "n/a" in that section(s).

NOTE:

MULTIPLE FILING UNNECESSARY:

A candidate who files a Form 1 with a qualifying officer is not required to file with the Commission or Supervisor of Elections.

Facsimiles will not be accepted.

WHERE TO FILE:

If you were mailed the form by the Commission on Ethics or a County Supervisor of Elections for your annual disclosure filing, return the form to that location.

Local officers/employees file with the Supervisor of Elections of the county in which they permanently reside. (If you do not permanently reside in Florida, file with the Supervisor of the county where your agency has its headquarters.)

State officers or specified state employees file with the Commission on Ethics, P.O. Drawer 15709, Tallahassee, FL 32317-5709; physical address: 325 John Knox Road, Building E, Suite 200, Tallahassee, FL 32303.

Candidates file this form together with their qualifying papers.

To determine what category your position falls under, see page 3 of instructions.

WHEN TO FILE:

Initially, each local officer/employee, state officer, and specified state employee must file within 30 days of the date of his or her appointment or of the beginning of employment. Appointees who must be confirmed by the Senate must file prior to confirmation, even if that is less than 30 days from the date of their appointment.

Candidates must file at the same time they file their qualifying papers.

Thereafter, file by July 1 following each calendar year in which they hold their positions.

Finally, file a final disclosure form (Form 1F) within 60 days of leaving office or employment. Filing a CE Form 1F (Final Statement of Financial Interests) does not relieve the filer of filing a CE Form 1 if the filer was in his or her position on December 31, 2016.

**CANDIDATE OATH -
NONPARTISAN OFFICE**

(Not for use by Judicial or
School Board Candidates)

OFFICE USE ONLY

OATH OF CANDIDATE
(Section 99.021, Florida Statutes)

I, Miss Nickie Rucker
(PLEASE PRINT NAME AS YOU WISH IT TO APPEAR ON THE BALLOT - NAME MAY NOT BE CHANGED AFTER THE END OF QUALIFYING)

am a candidate for the nonpartisan office of City Commissioner
(office) (district #)

3 I am a qualified elector of Levy County, Florida;
(circuit #) (group or seat #)

I am qualified under the Constitution and the Laws of Florida to hold the office to which I desire to be nominated or elected; I have qualified for no other public office in the state, the term of which office or any part thereof runs concurrent with the office I seek; and I have resigned from any office from which I am required to resign pursuant to Section 99.012, Florida Statutes; and I will support the Constitution of the United States and the Constitution of the State of Florida.

X [Signature] 852 477-0007 NickieRucker@gmail.com
Signature of Candidate Telephone Number Email Address

16856 Starry's Circle Cedarkey FL 32625
Address City State ZIP Code

Candidate's Florida Voter Registration Number (located on your voter information card) [Redacted]

* Please print name phonetically on the line below as you wish it to be pronounced on the audio ballot for persons with disabilities (see instructions on page 2 of this form):

STATE OF FLORIDA
COUNTY OF Levy

Sworn to (or affirmed) and subscribed before me this 16th day of MARCH, 2017.

Personally Known: or _____

Produced Identification: _____

Type of Identification Produced: _____

Maurice E. Hendrix
Signature of Notary Public

Print Name or Stamp: Commissioned Name of Notary Public



FORM 1

STATEMENT OF FINANCIAL INTERESTS

2016

Please print or type your name, mailing address, agency name, and position below:

FOR OFFICE USE ONLY:

LAST NAME -- FIRST NAME -- MIDDLE NAME:

Rucker Angela Nick

MAILING ADDRESS:

16856 Sturgis Cir

CITY:

Cedar Key FL

ZIP:

COUNTY:

32625

NAME OF AGENCY:

City of Cedar Key

NAME OF OFFICE OR POSITION HELD OR SOUGHT:

City Commission Seat 3

You are not limited to the space on the lines on this form. Attach additional sheets, if necessary.

CHECK ONLY IF CANDIDATE OR NEW EMPLOYEE OR APPOINTEE

***** BOTH PARTS OF THIS SECTION MUST BE COMPLETED *****

DISCLOSURE PERIOD:

THIS STATEMENT REFLECTS YOUR FINANCIAL INTERESTS FOR THE PRECEDING TAX YEAR, WHETHER BASED ON A CALENDAR YEAR OR ON A FISCAL YEAR. PLEASE STATE BELOW WHETHER THIS STATEMENT IS FOR THE PRECEDING TAX YEAR ENDING EITHER (must check one):

DECEMBER 31, 2016 OR SPECIFY TAX YEAR IF OTHER THAN THE CALENDAR YEAR: _____

MANNER OF CALCULATING REPORTABLE INTERESTS:

FILERS HAVE THE OPTION OF USING REPORTING THRESHOLDS THAT ARE ABSOLUTE DOLLAR VALUES, WHICH REQUIRES FEWER CALCULATIONS, OR USING COMPARATIVE THRESHOLDS, WHICH ARE USUALLY BASED ON PERCENTAGE VALUES (see instructions for further details). CHECK THE ONE YOU ARE USING (must check one):

COMPARATIVE (PERCENTAGE) THRESHOLDS OR DOLLAR VALUE THRESHOLDS

PART A -- PRIMARY SOURCES OF INCOME [Major sources of income to the reporting person - See instructions] (if you have nothing to report, write "none" or "n/a")

NAME OF SOURCE OF INCOME	SOURCE'S ADDRESS	DESCRIPTION OF THE SOURCE'S PRINCIPAL BUSINESS ACTIVITY
<i>Southern Hom & Land Inc</i>	<i>16856 Sturgis Cir Cedar Key FL 32625</i>	<i>Real Estate</i>

PART B -- SECONDARY SOURCES OF INCOME

[Major customers, clients, and other sources of income to businesses owned by the reporting person - See instructions] (if you have nothing to report, write "none" or "n/a")

NAME OF BUSINESS ENTITY	NAME OF MAJOR SOURCES OF BUSINESS' INCOME	ADDRESS OF SOURCE	PRINCIPAL BUSINESS ACTIVITY OF SOURCE
<i>NONE</i>			

PART C -- REAL PROPERTY [Land, buildings owned by the reporting person - See instructions] (if you have nothing to report, write "none" or "n/a")

<i>12773 State Road 24 Cedar Key FL 32625</i>
<i>850 3rd Street Cedar Key FL 32625</i>
<i>TaxID# 89400050A and #1651300000 Cedar Key FL</i>

FILING INSTRUCTIONS for when and where to file this form are located at the bottom of page 2.

INSTRUCTIONS on who must file this form and how to fill it out begin on page 3.

32625

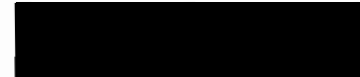


Now Offering Samsung Pay
with your Drummond debit card!

Branch: Cedar Key Office

Transaction # 3

3/17/2017 9:26 AM



\$100.00

Thank you,
Shari

Thank you for banking with
Drummond Community Bank

This is your Receipt

All items are credited subject to verification.
Deposits may not be available for immediate withdrawal

www.DrummondBank.com

LEVY COUNTY PROPERTY APPRAISER

Osborn "Oz" Barker

Search Criteria: Owner Search=rucker

Search produced the following results. Select one by clicking the parcel number link in the first column below.

<u>Parcel Number</u>	<u>Owner Name</u>	<u>Address</u>	<u>Legal Information</u>	<u>GIS Map</u>
0881100100	RUCKER ANGELA NICK 1/2 INT COOKE ROSEMARY JOHNSON 1/2 INT	12773 STATE ROAD 24 CEDAR KEY	29-15-13 CORONET PARK	Map It
1805600000	RUCKER RICHARD LEE RUCKER SANDRA LEE		11-13-14 0004.34 ACRES	Map It
089540050A	RUCKER WILLIAM A RUCKER ANGELA NICK		30-15-13 CEDAR KEY SHORES NO 1	Map It
1651300000	RUCKER WILLIAM A RUCKER ANGELA N		19-15-13 RYE KEY CONDOMINIUM	Map It
1717700000	RUCKER WILLIAM A RUCKER ANGELA N	16856 STURGIS CIR CEDAR KEY	30-15-13 CEDAR KEY SHORES UNIT 7	Map It
1727800000	RUCKER WILLIAM A RUCKER ANGELA N	850 3 ST CEDAR KEY	32-15-13 TRES PALMAS CONDOMINIUM	Map It

HOME

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Subject: CK

From: Crystal Sharp <csharp@cedarkeyfl.us>

Date: Thu, Mar 23, 2017 11:45 am

To: "tammy@votelevy.com" <tammy@votelevy.com>

Chris will be on the ballot

Thanks

Crystal Sharp

Clerks Office

City of Cedar Key

(352)543-5132

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Subject: Re: Ballot Proof
From: Nicole Gill <ngill@cedarkeyfl.us>
Date: Thu, Mar 23, 2017 2:32 pm
To: Tammy Jones <tammy@votelevy.com>
Cc: Crystal Sharp <csharp@cedarkeyfl.us>
Attach: sigimg0

Looks good.

I think we had around 300 voters in 2015...

Do you think we should do 400?

I'm not sure on how to get a good estimate.

Can you make a suggestion?

Sent from Nicole's iPhone

On Mar 23, 2017, at 2:22 PM, Tammy Jones <tammy@votelevy.com> wrote:

Please proof ballot and approve spelling of names and instructions. I cannot begin printing until I get this approval. I would like to print first thing tomorrow morning.

You currently have 636 registered voters. How many ballots should I print?

Have a great day,

Tammy Jones

Supervisor of Elections

Levy County, Florida

352-486-5163 Ext. 4

tammy@votelevy.com

<sigimg0>

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Crystal Sharp

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(352)543-5132

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Subject: Re: Cedar Key Election Schedule
From: Nicole Gill <ngill@cedarkeyfl.us>
Date: Thu, Mar 23, 2017 2:33 pm
To: Tammy Jones <tammy@votelevy.com>
Cc: Crystal Sharp <csharp@cedarkeyfl.us>
Attach: sigimg0

Crystal-

Can you forward Tammy the canvassing sheet that we discussed at the Commission meeting in Tuesday?

Thanks.

Sent from Nicole's iPhone

On Mar 23, 2017, at 1:04 PM, Tammy Jones <tammy@votelevy.com> wrote:

Nicole and Crystal,

Just confirming upcoming dates since you are having an election:

April 27th= Poll worker training from 9 AM to 6:30 PM at Supervisor of Elections, Bronson

This does not need to be advertised.

April 28th= Logic and Accuracy Testing....Please let me know location and time. I was thinking 10:00 a.m. would be good. This will need to be advertised with your canvassing board schedule of events.

May 2nd= Election Day

We need to set a date to do the manual audit. I suggest May 4th evening or May 5th morning. I will be at training the following week.

Have a great day,

Tammy Jones

Supervisor of Elections

Levy County, Florida

352-486-5163 Ext. 4

tammy@votelevy.com

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Subject: Re: Ballot Proof
From: Nicole Gill <ngill@cedarkeyfl.us>
Date: Thu, Mar 23, 2017 5:31 pm
To: Tammy Jones <tammy@votelevy.com>
Attach: sigimg0

That works.

Sent from Nicole's iPhone

On Mar 23, 2017, at 2:46 PM, Tammy Jones <tammy@votelevy.com> wrote:

I look at past elections and how interested you think the voters will be in this election. I would suggest 400. We can always print more later.

Have a great day,

Tammy Jones

Supervisor of Elections
Levy County, Florida
352-486-5163 Ext. 4
tammy@votelevy.com

<sigimg0>

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----- Original Message -----

Subject: CK

From: Crystal Sharp <csharp@cedarkeyfl.us>

Date: Thu, March 23, 2017 11:45 am

To: "tammy@votelevy.com" <tammy@votelevy.com>

Chris will be on the ballot

Thanks

Crystal Sharp

Clerks Office

City of Cedar Key

(352)543-5132

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Subject: Re: Cedar Key Election Schedule
From: Crystal Sharp <csharp@cedarkeyfl.us>
Date: Mon, Mar 27, 2017 9:38 am
To: Nicole Gill <ngill@cedarkeyfl.us>, "tammy@votelevy.com" <tammy@votelevy.com>
Attach: canvassing board.pdf

Thanks
Crystal Sharp
Clerks Office
City of Cedar Key
(352)543-5132

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Sent: Thursday, March 23, 2017 2:33 PM
To: Tammy Jones
Cc: Crystal Sharp
Subject: Re: Cedar Key Election Schedule

Crystal-

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Thanks.

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On Mar 23, 2017, at 1:04 PM, Tammy Jones <tammy@votelevy.com> wrote:

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Tammy Jones

Supervisor of Elections

Levy County, Florida

352-486-5163 Ext. 4

tammy@votelevy.com

<sigimg0>

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Canvassing Board

Appointment and Meeting Calendar for the 2017 City of Cedar Key Election

Ordinance 494: 1.00.14- Canvassing Board

Prior to any city election, the City Commission shall appoint three persons qualified under state law to serve as the City Canvassing Board. The county supervisor of elections may serve as a nonvoting advisor to the Canvassing Board and the City Attorney shall serve as legal counsel to the Canvassing Board. The Canvassing Board shall be responsible for reviewing and determining by majority vote the validity of any absentee ballot which is questioned by the City Clerk or properly challenged by a candidate or elector; ruling on any protest or question relating to the election process, which cannot be resolved by the City Clerk, and receiving, canvassing and certifying the election results. The City Clerk will be responsible for the scheduling of Canvassing Board meetings, which meetings will be conducted in accordance with F.S. Chapter 286.

2017 Meeting Schedule

Friday, April 28, 2017	10:00AM until Completion	Logic and Accuracy Testing
Tuesday, May 2, 2017	7:00PM until Completion	Election Night Review of Provisional Ballots
Thursday, May 4, 2017	7:00PM until Completion	Election Certification and Voting System Audit

Available and willing Canvassing Board Options for the May 2, 2106 Election

John Meeks- Levy County Commission

Judge Browning- Levy County Judge

Chris Cowart- Levy County School Board Member

All meetings will be at the City of Cedar Key's City Hall located at 490 Second Street, Cedar Key, Florida.

[Print](#) | [Close Window](#)

Subject: Re: Voting Booths
From: Crystal Sharp <csharp@cedarkeyfl.us>
Date: Fri, Apr 21, 2017 10:56 am
To: Tammy Jones <tammy@votelevy.com>
Attach: sigimg0

I think the table top booths will be fine. Maybe four will work.

**Thanks
Crystal Sharp
Clerks Office
City of Cedar Key
(352)543-5132**

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From: Tammy Jones <tammy@votelevy.com>
Sent: Wednesday, April 19, 2017 7:52 PM
To: Nicole Gill; Crystal Sharp
Subject: Voting Booths

I was just checking to see how many voting booths y'all will need for the Cedar Key election. Also, do you want the hard cased stand up booths or the corrugated table top booths?

Have a great night,



Tammy Jones

Supervisor of Elections

Levy County Supervisor of Elections

Office: 352-486-5163 Fax: 352-486-5146

421 S. Court St. | Bronson, FL 32621 | www.VoteLevy.com



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Subject: Fw: Form 1 Reminder
From: Nicole Gill <ngill@cedarkeyfl.us>
Date: Mon, Apr 24, 2017 2:09 pm
To: "tammy@votelevy.com" <tammy@votelevy.com>
Cc: Crystal Sharp <csharp@cedarkeyfl.us>
Attach: sigimg0
Chris Topping.pdf
Heath Davis.pdf
Nickie Rucker.pdf
Sue Colson.pdf

Everything should be in here...

Please let me know if I can help with anything else.

Nicole Gill
City Clerk
City of Cedar Key
(352)543-5132 Main
(866) 674-2419 FAX

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From: Crystal Sharp
Sent: Monday, April 24, 2017 1:56 PM
To: Nicole Gill
Subject: Fw: Form 1 Reminder

Thanks
Crystal Sharp
Clerks Office
City of Cedar Key
(352)543-5132

Florida has a very broad public records law. Written communications to or from state officials regarding state business constitute public records and are available to the public and media upon request unless the information is subject to a specific statutory exemption. Therefore, this email and any that you sent that generated this response may be subject to public disclosure.

From: Tammy Jones <tammy@votelevy.com>
Sent: Monday, April 24, 2017 1:07 PM
To: Crystal Sharp
Subject: Form 1 Reminder

Hi Crystal,

Just a reminder that I need the Form 1's scanned and emailed t me for all that qualified this year.



Tammy Jones

Supervisor of Elections

Levy County Supervisor of Elections

Office: 352-486-5163 Fax: 352-486-5146

421 S. Court St. | Bronson, FL 32621 | www.VoteLevy.com



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Subject: Re: Challenge Voter
From: Nicole Gill <ngill@cedarkeyfl.us>
Date: Mon, May 01, 2017 2:53 pm
To: Tammy Jones <tammy@votelevy.com>, Crystal Sharp <csharp@cedarkeyfl.us>, Donna Risker <drisker@cedarkeyfl.us>
Attach: sigimg0

Perfect timing!

Thank you again for all of your assistance.

Nicole Gill
 City Clerk
 City of Cedar Key
 (352)543-5132 Main
 (866) 674-2419 FAX

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From: Tammy Jones <tammy@votelevy.com>
Sent: Monday, May 1, 2017 2:13:38 PM
To: Crystal Sharp; Donna Risker; Nicole Gill
Subject: Challenge Voter

Hi All,

Just wanted to send you the law that applies to challenged voters. Please read over and let me know if you have any questions. I highlighted some important things to remember but please read everything below:

101.111 Voter challenges.—

(1)(a) Any registered elector or poll watcher of a county may challenge the right of a person to vote in that county. The challenge must be in writing and contain the following oath, which shall be delivered to the clerk or inspector:

OATH OF PERSON ENTERING CHALLENGE

State of Florida

County of

I do solemnly swear or affirm that my name is ; that I am a member of the Party; that I am a registered voter or pollwatcher; that my residence address is , in the municipality of ; and that I have reason to believe that is attempting to vote illegally and the reasons for my belief are set forth herein to wit:

(Signature of person challenging voter)



Sworn and subscribed to before me this day of , (year) .

(Clerk of election)

(b)1. The clerk or inspector shall immediately deliver to the challenged person a copy of the oath of the person entering the challenge, and the challenged voter shall be allowed to cast a provisional ballot in accordance with s. 101.048, except as provided in subparagraph 2.

2. If the basis for the challenge is that the person's legal residence is not in that precinct, the person shall first be given the opportunity to execute a change of legal residence in order to be able to vote a regular ballot in accordance with s. 101.045(2). If the change of legal residence is such that the person is then properly registered for that precinct, the person shall be allowed to vote a regular ballot. If the change of legal residence places the person in another precinct, the person shall be directed to the proper precinct to vote. If such person insists that he or she is currently in the proper precinct, the person shall be allowed to vote a provisional ballot in accordance with s. 101.048.

(c) Alternatively, a challenge in accordance with this section may be filed in advance with the supervisor of elections no sooner than 30 days before an election. The supervisor shall promptly provide the election board in the challenged voter's precinct with a copy of the oath of the person entering the challenge. The challenged voter shall be allowed to cast a provisional ballot in accordance with s. 101.048, subject to the provisions of subparagraph (b)2.

(2) Any elector or poll watcher filing a frivolous challenge of any person's right to vote commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083; however, electors or poll watchers shall not be subject to liability for any action taken in good faith and in furtherance of any activity or duty permitted of such electors or poll watchers by law. Each instance where any elector or poll watcher files a frivolous challenge of any person's right to vote constitutes a separate offense.



Tammy Jones

Supervisor of Elections

Levy County Supervisor of Elections

Office: 352-486-5163 Fax: 352-486-5146

421 S. Court St. | Bronson, FL 32621 | www.VoteLevy.com



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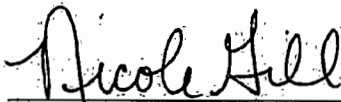
September 8, 2017

Florida Elections Commission
107 West Gaines Street
Suite 224 Collins Building
Tallahassee, Florida 32399

Case No. FEC 17-237 Nicole Gill

WAIVER OF CONFIDENTIALITY

Pursuant to Fla. Stat. §106.25(7), the undersigned, Nicole Gill, hereby waives confidentiality of this case.



Nicole Gill



FLORIDA ELECTIONS COMMISSION

107 W. Gaines Street,
Suite 224 Collins Building
Tallahassee, Florida 32399-1050
Telephone: (850) 922-4539
Fax: (850) 921-0783

www.fec.state.fl.us; fec@myfloridalegal.com

August 28, 2017

Norm D. Fugate
City of Cedar Key
Post Office Box 98
Williston, FL 32696

RE: Case No.: FEC 17-237; Respondent: Nicole Gill

Dear Mr. Fugate:

On June 6, 2017, the Florida Elections Commission received a complaint alleging that your client violated Florida's election laws. I have reviewed the complaint and find that it contains one or more **legally sufficient allegations**. The Commission staff will investigate the following alleged violations:

Section 104.051(2), Florida Statutes: Respondent, the municipal clerk and supervisor of elections for the City of Cedar Key, refused or neglected to perform her duties as prescribed by the election code, when she closed her office on April 27, 2017, so that she and her staff could attend training at the county supervisor of elections office.

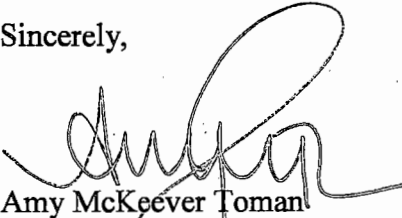
When we conclude the investigation, a copy of the Report of Investigation (ROI) will be mailed to you at the above address. Based on the results of the investigation, a staff attorney will make a written recommendation (Staff Recommendation or SR) to the Commission as to whether there is probable cause to charge respondent with violating Chapters 104 or 106, Florida Statutes. You will have an opportunity to respond to both the ROI and the SR. The Commission will then hold one or more hearings to determine whether the alleged violations occurred and, if so, the amount of the fine to be imposed. You and the complainant will receive notice at least 14 days before any hearing at which your case is to be considered.

Please note that all documents related to this matter will be mailed to the above address unless you **notify us of a new address**. Also, please remember that complaints, Commission investigations, investigative reports, and other documents relating to an alleged violation of Chapters 104 or 106, Florida Statutes, are **confidential** until the Commission finds probable cause or no probable cause.

Norm D. Fugate
Page 2
FEC 17-237

For additional information, please refer to the "Frequently Asked Questions" section of the Commission's website (www.fec.state.fl.us). If you have additional questions, please contact **Samantha Spore**, the investigator assigned to this case.

Sincerely,



Amy McKeever Toman
Executive Director

AMT/dam

17-237 ✓



Initial Response
Norm Office to: fec

06/28/2017 03:21 PM

From: Norm Office <norm@normdfugatepa.com>
To: fec@myfloridalegal.com

1 attachment



FEC Response.pdf

Erin:

See attached Response to cases 17-237 through 17-243.

Please reply email to confirm receipt.

Sent from my iPhone

**NORM D. FUGATE, P.A.
POST OFFICE BOX 98
WILLISTON, FLORIDA 32696
352-528-0019**

June 28, 2017

Florida Elections Commission
Tallahassee, Florida

via email to Erin Riley fec@myfloridalegal.com

Re: Cases 17-237 through 17-243

Ms. Riley:

This letter is written in response to the complaint filed by Andrea and Scott Dennison against seven officials of the City of Cedar Key, Florida which has resulted in the assignment of seven separate cases by the Commission. I am the City Attorney and am appearing generally on behalf of the named City officials, and specifically on my own behalf.

The complaint filed by the Dennisons should be dismissed for legal insufficiency for the following reasons:

The Dennisons' complaint is based on the allegation City offices were closed on April 27, 2017 so that the three employees from the City Clerk's office could attend mandatory election training at the Levy County Supervisor of Election's office at the County Seat in Bronson, Florida. The Dennisons have failed to identify any provision in Chapter 104 or 106, Fla. Statutes, which mandates that a municipal office remain open in the days leading up to an election.

Two of the specific statutes referred to in the Dennisons' complaint are from Chapter 101, and are, therefore, legally insufficient to form the basis for a complaint recognizable by the Commission. See Fla.Admin.Code 2B-1.0025.

The Dennisons cite Fla. Stat. 104.51 as a basis for their complaint, however this statute requires that the action be willful and the Dennisons have failed to allege willfulness on the part of any of the named individuals.

The Dennisons cite Fla. Stat. 104.515 as a basis for their complaint, however this statute prohibits actions in the election process based on race or color, and the Dennisons have failed to allege that any of the named individuals acted on the basis of race or color.

The Dennisons cite Fla. Stat. 104.615 as a basis for their complaint, however they have failed to allege that any of the named individuals used force, violence, intimidation, coercion or false information to commit any of the acts prohibited by the statute.

Letter to Florida Elections Commission
June 28, 2017
Page 2

The Dennisons' complaint is based on a notion that the closing of City offices interfered with their right to vote, however their narrative admits that they did, in fact, successfully vote on the same day that they wanted to vote.

The Dennisons' complaint states that the closing of City offices interfered with the right of other parties to vote, however they have failed to allege that they have personal knowledge of the identity of any other such person whose voting rights were affected.

The Dennisons' complaint fails to specifically allege any specific fact which demonstrates which, if any, of the individuals caused the City offices to be closed.

The Dennisons have failed to support the alleged violations of Chapter 104 and 106 with facts within their personal knowledge, as opposed to hearsay.

In sum, the Dennisons have failed to set forth a legally sufficient complaint upon which the Commission is allowed to proceed to an evaluation of probable cause. Therefore, the complaint, as to all of the named individuals, should be determined to be legally insufficient.

Please do not hesitate to contact me if there are any questions regarding the foregoing.

Sincerely,

Norm D. Fugate

Norm D. Fugate
City Attorney
Board Certified-City, County and Local Government



STATE OF FLORIDA

FLORIDA ELECTIONS COMMISSION

107 West Gaines Street, Suite 224, Tallahassee, Florida 32399-1050

Telephone Number: (850) 922-4539

www.fec.state.fl.us

CONFIDENTIAL COMPLAINT FORM

RECEIVED

2017 JUN -6 P 12:04

STATE OF FLORIDA
ELECTIONS COMMISSION

The Commission's records and proceedings in a case are confidential until the Commission rules on probable cause. A copy of the complaint will be provided to the person against whom the complaint is brought.

1. PERSON BRINGING COMPLAINT:

Name: Andrea and Scott Dennison Work Phone: ()

Address: 16851 Susan Street Home Phone: (352) 359-9839

City: Cedar Key County: Levy State: FL Zip Code: 32625

2. PERSON AGAINST WHOM COMPLAINT IS BROUGHT:

A person can be an individual, political committee, committee of continuous existence, political party, electioneering communication organization, club, corporation, partnership, company, association, or any other type of organization. (If you intend to name more than one individual or entity, please file multiple complaints.)

Name of individual or entity: Ms. Nicole Gill - City of Cedar Key City Clerk

Address: 490 Second Street Phone: (352) 543-5132

City: Cedar Key County: Levy State: FL Zip Code: 32625

If individual is a candidate, list the office or position sought: _____

Have you filed this complaint with the State Attorney's Office? (check one) Yes No

3. ALLEGED VIOLATION(S):

Please list the provisions of The Florida Election Code that you believe the person named above may have violated. The Commission has jurisdiction only to investigation the following provisions: **Chapter 104, Chapter 106, and Section 105.071, Florida Statutes.** Also, please include:

- The facts and actions that you believe support the violations you allege,
- The names and telephone numbers of persons you believe may be witnesses to the facts,
- A copy or picture of the political advertisements you mention in your statement,
- A copy of the documents you mention in your statement, and
- Other evidence that supports your allegations.

We believe the City of Cedar Key may have violated Florida Elections Laws by illegally closing the City Hall during the first day of the advertised City elections period to obtain and submit absentee ballots. This action may violate Chapter 104.051 as a neglect of duty to facilitate and to interfere with the City voters rights to obtain and cast their absentee ballot(s). The non-advertised closing of the only City voting location may have also violated Chapter 104.0515 by depriving and interference with the voting rights of City voters to secure and cast absentee ballots. [Additional text continued on next page(s)]

The unlawful closing of City Hall on April 27th 2017, the advertised first day of absentee ballots available for pickup by others on behalf of City voters, may have violated Chapter 104.0615 and Chapter 101.62, 101.662 by suppression of City absentee voting. Historically within the City of Cedar Key elections, absentee ballots are actively sought and cast on the this first day period 5 days before the election.

Additional detailed comments and pictures are attached.

Additional materials attached (check one)? Yes No

4. OATH

STATE OF FLORIDA

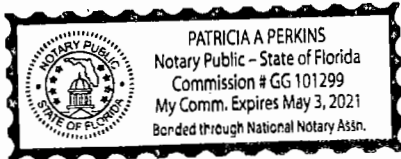
COUNTY OF Alachua

I swear or affirm, that the above information is true and correct to the best of my knowledge.

David Scott Demmon
Andree J. Demmon
Original Signature of Person Bringing Complaint



Sworn to and subscribed before me this 1 day of June, 2017



Patricia A Perkins
Signature of Officer Authorized to Administer Oaths or Notary public.

Patricia A Perkins
(Print, Type, or Stamp Commissioned Name of Notary Public)

Personally known _____ Or Produced Identification
Type of Identification Produced FL DL

Any person who files a complaint while knowing that the allegations are false or without merit commits a misdemeanor of the first degree, punishable as provided in Sections 775.082 and 775.083, Florida Statutes.

RECEIVED
2017 JUN - 6 PM 2:04
STATE OF FLORIDA
ELECTIONS COMMISSION

ATTACHED SEPARATE CD WITH PHOTOS OF CITY PUBLIC NOTICES BOARD

June 1, 2017

Florida Elections Commission

107 West Gaines Street

Suite 224

Tallahassee FL 32399-1050

To whom it may concern –

We believe the City of Cedar Key, including the City Clerk – Ms. Nicole Gill, City Administrator/Mayor Heath Davis, Vice Mayor/City Commissioner Mr. Dale Register, City Commissioner Ms. Sue Colson, City Commissioner Ms. Diana Topping, City Commissioner Mr. Royce Nelson, and City Attorney Mr. Norm Fugate, knowingly closed the City Hall during the early/absentee voting period for the upcoming City elections of May 2nd. City Hall was closed all day April 27th depriving and interfering with any and all City voters of their voting rights. It is unknown how many City voters were impacted and may not be able to now vote in City elections. No alternate location open. It appears no lawful public notice was given to the public.

On April 27th we went to Cedar Key City hall to secure absentee ballots. City Hall was closed. No public notice was posted on City website, nor posted on City Hall Notices Board. These are normal locations where citizens find such notices. A newspaper legal public advertisement could not be found at the time on April 27th. Left a phone call back request at the City Administrator/Mayor's place of work. Mayor Heath Davis called and advised City Hall was closed for the City Clerk – Ms. Nicole Gill & City elections staff to receive elections training by Levy Supervisor of Elections (SOE) - Ms. Tammy Jones, in Bronson. Mayor Davis did not feel being closed for one day during the voting period was significant. He also advised us "I should learn to expect that the City of Cedar Key does not do things like South Florida." Attached are photos of the public notices board outside of Cedar Key City Hall.

We then called the Levy SOE and were first advised by staff we could not obtain City absentee ballots. Spoke to both Ms. Jones & Ms. Gill to advise them we had driven to Bronson and would see them in person to vote. Upon arrival at the Levy SOE office we were initially advised by the City Clerk - Ms. Gill we could not vote today. The Levy SOE, Ms. Tammy Jones, overrode the City Clerk and printed absentee ballots, provided mailing envelopes & postage. Ms. Jones informed us she was not the custodian or officer responsible for City elections.

We have been advised by the Levy County SOE, Ms. Tammy Jones, that the offer of training to the City of Cedar Key began in December 2016. There was significant advance notice given to the City to avoid the necessity of closing the City Hall during an open election period. The Levy SOE advised us that the City specifically picked the April 27th date.

We hope the Florida Elections Commission will see the serious and egregious nature of this elections violation by the officials of the City of Cedar Key.

Andrea and Scott Dennison

16851 Susan Street

Cedar Key FL 32625