



MEMORANDUM

Date: April 25, 2016

To: The Honorable Chair and Members
Pima County Board of Supervisors

From: C.H. Huckelberry
County Administrator

A handwritten signature in black ink, appearing to be "CHH", is written over the printed name "C.H. Huckelberry".

Re: **Attempted Voter Fraud During Canvass of the 2016 Presidential Preference Election**

The Board of Supervisors recently asked about the process and procedures used to detect and prosecute voter fraud. I inquired of the County Attorney whether they have ever prosecuted anyone for voter fraud for voting twice or attempting to vote twice.

The County Recorder, through the Voter Registration Division, forwards names of individuals who may have attempted to vote twice after every election. In almost all cases, investigation by the County Attorney reveals the voter simply forgot they voted an early ballot when attempting to vote a second time. In all cases, when a voter appears at the polls to attempt to vote and their name is not on the voter roll, they are encouraged to complete a provisional ballot. The provisional ballot is then examined by the County Recorder. If the voter has already voted, the provisional ballot is disallowed. If the voter has not voted and all other requirements regarding the voter's eligibility are verified, the provisional ballot is counted.

As you can see from the attached April 15, 2016 memorandum from the County Attorney, the Chief Civil Deputy County Attorney is not aware of any prosecutions regarding voter fraud.

CHH/anc

Attachment

c: The Honorable F. Ann Rodriguez, Pima County Recorder
Tom Weaver, Chief Civil Deputy County Attorney
Brad Nelson, Director, Elections Department



**ATTORNEY/CLIENT PRIVILEGED
M E M O R A N D U M**

Pima County Attorney's Office

Civil Division

32 North Stone Ave, Suite 2100

Phone 520.740.5750 Fax 520.620.6556

To: C.H. Huckelberry, County Administrator

From: Tom Weaver, Chief Civil Deputy

A handwritten signature in blue ink, appearing to be "T.W.", is written over the printed name "Tom Weaver".

Date: April 15, 2016

Subject: Referral of certain voters who have attempted to vote twice in elections

This responds to your memorandum dated March 31, 2016 to Barbara LaWall.

As you note in your memorandum, we have instances in each election cycle of individuals attempting to vote more than once. These cases are referred to the County Attorney's Office by the Recorder for investigation and review.

Our office assigns an investigator to look into each instance and produce a report. We then review the cases for prosecution. The investigative reports and a cover memorandum relating our conclusions are then forwarded to the Recorder.

For example, with regard to the November 3, 2015 consolidated election, we reviewed sixteen incidents involving individuals who voted more than once or, in one case, cast a ballot for a deceased person.

We were unable to uncover sufficient evidence to allow us to prove beyond a reasonable doubt that a voter violated the applicable laws. The investigation showed that, in many of these incidents, voters experienced confusion regarding the election process and, in some cases, believed they could correct alleged errors in the early ballot by voting a provisional ballot at the polls. Provisional ballots are typically cast in situations where there is any uncertainty about the status of prior voting.

I am not aware of any instances in the recent past resulting in prosecutions.

Cc: The Honorable F. Ann Rodriguez, Pima County Recorder
Ellen Wheeler, Assistant County Administrator for Justice and Law Enforcement
Brad Nelson, Director, Elections Department