

# PIMA COUNTY ELECTION INTEGRITY COMMISSION

<http://www.pima.gov/commission/ElectionIntegrity.shtml>

## MEETING SUMMARY – October 19, 2012

The Pima County Election Integrity Commission met in regular session on October 19, 2012, in the Pima County Administration Building, Pima County Board of Supervisors 1<sup>st</sup> Floor Conference Room, 130 W. Congress, Tucson, Arizona 85701.

### 1. ROLL CALL

Present: Charles Geoffrion, Arnie Urken, Mickey Duniho, John Moffatt, Pat Pecoraro, Tom Ryan, Barbara Tellman, and Benny White

Absent: Jim March  
Charles reported that Jim March was unable to attend the meeting due to his involvement with Election matters elsewhere.

Also in attendance: Brad Nelson, Pima County Elections Department (telephonically), Chris Roads, Pima County Recorder's Office and Carli Brousseau, Arizona Daily Star.

### 2. PLEDGE OF ALLEGIANCE

Those in attendance stood for the Pledge of Allegiance.

### 3. APPROVAL OF THE SEPTEMBER 21, 2012 MINUTE SUMMARY

Charles Geoffrion reported that the minutes were distributed electronically to all Members and asked if there were any changes or comments.

Tom Ryan requested clarification on the portion of the minutes pertaining to the GEMS software production, distribution of the disks, and the vote. Benny White clarified that the intent of the motion was to ask John Moffatt to discuss this matter with the County Administrator and County Attorney to determine if it was prudent to proceed with a motion to look at possible rescission of the provision that mandates this process. John stated that he generally discussed the item with the County Administrator but nothing specific was determined other than it would be more prudent to wait until after the General Election.

Tom stated that the minutes needed to reflect the clarification and the record needed to state that he and Mickey Duniho voted "Nay" in the minutes. He requested that this item be brought back on a future agenda for further discussion.

Charles suggested that, in the future, a show of hands could also be used to document and insure voting recordation for the minutes and all Members agreed. Joni Castro stated that she would amend the minutes to reflect these changes and forward a copy to Tom for his review before finalization.

Upon no further discussion, it was moved by Pat Pecoraro, seconded by Barbara Tellman and unanimously carried, to approve the September, 2012 Minute Summary as amended.

#### Review of GEMS Data

Tom obtained a data disc from the Special Election to see if it was possible to read the files. He stated that the MBD files were accessible and readable so anyone can do their analysis; however, a password is needed to open the GEMS file from the GEMS application. John said he would obtain the password and Charles asked if the passwords were secure. John responded that the GEMS passwords were complex and were changed every Election, but would not allow access to the System Administrator account.

Benny, John and Brad discussed the recent repairs due to the failure of a CD-ROM drive, the replacement of a 24 port switch, and changing out of all of the communication cables. They also performed some file maintenance that consisted of copying off and saving of old files, deleting the files older than two years old per state records retention regulations, as well as defragging to increase space on the server hard drive. It was noted that all maintenance and repairs were done according to established procedures and with observation. Charles asked if the switch was vulnerable to manipulation and John responded no, that there is no software in the switches. The group also discussed the original date of loading the software, associated patches and the version currently in use.

#### **4. 2012 ELECTION UPDATE – Brad Nelson (CONTINUED)**

The following is a summary of Brad's report and the associated discussion by the Members:

- The Logic and Accuracy Test for touch screens occurred on October 10, 2012, Optical scans were on-going, and the Secretary of State's Office would conduct its official test on Monday, October 23, 2012.
- Poll Workers received their assignments, were scheduled for training from October 22 to November 3, 2012, and many were taking advantage of on-line training to supplement their standard training.
- Sample Ballots would be mailed today, earlier than usual, to alert Voters of new Precinct and Polling Place locations. This would hopefully give them sufficient time to apply for an Early Ballot should they find the time or location of their Precinct inconvenient.
- Yellow cards will be mailed out to each Voter who is not voting early on Monday, October 22 and can be used as one of the 2 non-photo forms of ID at the Polls, and Elections will begin to receive the Early Ballots from the Records Office on the same day.

- Elections will begin counting Early Ballots on October 29, 2012. It is anticipated that approximately 300,000 early Ballots will be cast for this Election, at an average of 30,000 per day. The Recorder had already received 35,000 Early Ballots.
- The Hand Count Audit is scheduled for November 10, 2012 and the Canvass will be set for date certain in November, 2012.

Benny advised Brad that he was impressed by the number of different types of Ballots for this Election. He also noted that red is one of the colors used for striping of the Ballots and hoped that this would not confuse Republican Voters who received the same color for the Primary Election Ballots. Brad responded that both of these items would be emphasized in training and that pictures had been taken of the Ballots as a visual aid as well.

Benny mentioned receipt of correspondence regarding lack of security on the Early Ballot voting boxes which would allow Voters to intermittently get in and out of the boxes at the Polls. He explained the sealing, accounting, custody and transferring process that should be used. Brad agreed that these boxes had not been as secure as they should have been in the past, stated this matter had already been added to the checklist, and advised that this information would be passed on to the Poll Workers and Trouble Shooters to use when they are at the Polls.

Charles inquired about the number of varied Ballots for this Election and Brad answered that including all of the Precincts and the Special District questions, he estimated that there were about 500 variations.

#### Recorder's Office Update

Chris offered the following:

- 302,500 Early Ballots were sent out in the mail which exceeded any other year by 65,000.
- 60,000 Ballots have been returned (45,914 of which will require signature checks) and were expected to be completed tomorrow and handed off to the Early Ballot Boards in Elections on Monday for further processing.
- There was a significant reduction in non-deliverable Ballots for this Election due to the data base clean up that occurred with the CD8 Election.
- Arizona Postal Service representatives had been contacted, but delivery problems experienced with the Denver Processing Center would have to be resolved at the Federal level which takes time. The Recorder's Office is proceeding with other mail delivery methods at an estimated incremental cost of \$2,000.

- Approximately 60% of the estimated 500,000 Voters already have a Ballot and 676 walk-in votes had been reported to date with the Early Voting Sites only being open for one week.
- Seven walk in sites opened on Monday, and 3 more are scheduled to open at the Ajo, Sells and the Pascua Yaqui Reservation locations.
- Emergency Voting Sites, with the exception of the Town of Sahuarita and the University of Arizona which are not open on the weekend, will be open on Saturday from 9 am to 2 pm except for the downtown main office which will be open from 8 am to 5 pm.
- Emergency teams will be dispatched to Voters who are unable to go to the Polls, and those Team Members have the authority to determine competency. More care is being taken to protect the workers from potential health hazards.
- Early Ballots have already been gathered once, would be gathered once a week or more if the opportunity arises, and will eventually be picked up each day. All Ballots are inventoried and reported daily to track what was received at the Early Voting Sites and delivered to Elections.
- It was confirmed that the Ballots remain sealed in their envelopes and secured in a locked cabinet within a locked room or building.
- Validation, according to standard procedures, of Early Ballot returns is also in process.

#### National Voter Registration Form (NVRF)

The procedures developed by the County Recordors and the Secretary of State were submitted to the Department of Justice (DOJ) and received expedited clearance. All Counties are following the same procedure. Voters whose Social Security or Driver's License Numbers provided on the NVRF that cannot be verified are being required to show identification before being allowed to vote. Those 1,500 Voters have been blocked from receiving an Early Ballot and were sent letters notifying them of the list of identification rules that have to be met before voting.

## Pending Legislation

Earlier this week the U. S. Supreme Court granted the petition for Appeal of the 9<sup>th</sup> District Court's ruling and the case has been set for oral arguments sometime in February, 2013. Consequently, their ruling will not affect this Election.

Benny stated that there was some interpretation in the State that that NVRF registrants would have to vote the first time at the Polls. Chris clarified that the procedure from the DOJ stated that they could vote early but would have to show identification in advance of voting any time before or on Election Day. He explained that the Polling Place requirements were a little more stringent than the Help America Vote Act (HAVA) requirements.

Benny asked and Chris confirmed that there would be no special notations on the Poll Rosters indicating how these Voters were registered. Chris explained how operating procedures differ in Pima and Maricopa Counties compared to other 13 Arizona Counties which are on the State system. Because of the State's blocking mechanism, none of those Voters in the other Counties will appear on the Poll Roster at all and will be given a Provisional Ballot. He explained that the reality is that if they have shown the State required identification, they will have already met the HAVA requirements and will be allowed to vote and the block removed for future Elections. However, if they come in with a Provisional-Conditional Ballot, then the block will remain in place until such time that they come in and provide the other required identification.

Benny inquired about the status of Military/Overseas voting and Chris reported that the electronic response back from the 1,200 that were sent out had been significant. Charles asked about the security aspects of electronic submission of Ballots and Chris responded that Pima County does not participate in the State's system which requires the Counties to upload the Ballot to the Secretary of State's website and ask the Voter to connect and retrieve it. Pima County's system requires the Ballot to be emailed or faxed to the Voter. Receipt of e-mail on those particular Ballots comes into a segregated mail box which has limited access to two individuals per Election cycle. These individuals open the email with the Ballot, verify completion and signatures, print out the Ballot, and then delete it from the system to prevent further access on line. The Ballots are subsequently "duplicated" onto standard Ballots for tabulation.

Charles asked Brad for verification that Early Ballot Counts would begin on October 29, 2012, and inquired how many Ballots could be processed in a day. Brad responded that, with an 18" long Ballot printed on both sides, they were able to process approximately 30,000 per day. He stated that it was their goal to count and reflect those numbers in the first public release of Early Election Results on Election Day.

Charles inquired about the type of security procedures that are in place while producing the results and Brad responded that they were the same as those used for all Counts.

Brad, Chris and John discussed general issues and critical time lines pertaining to the Emergency Voting Sites closing on the weekend as well as the timely transition of Ballots and voting information. Brad explained the process for delivering of the amended Poll Rosters to the Cherrybell Post Office for anticipated delivery to the Poll Workers within a day if possible. John commented that since Brad was counting on a one day delivery, perhaps a local one day delivery service might be advantageous. Both John and Brad agreed that in the future, provisions could be made to allow disbursement of this information to the Inspectors and/or Judges through an electronic transmission method such as email.

**5. ELECTION LEGISLATION- Brad Nelson**

No discussion or action

**6. COST OF ELECTION ANALYSIS – John Moffatt (Continued)**

No discussion or action

**7. BEST ELECTION PRACTICES – Mickey Duniho (Continued)**

Mickey provided a general review of the hand out material and his reasons for supporting additional Hand Count Audits. In his opinion:

- Current procedures which require a Hand County Audit of 4% of the Precinct Ballots and 1% of the Early Ballots are not adequate.
- Statisticians indicate that 10% is a reasonable amount of Ballots to audit to prove integrity of an Election.
- Elections where the spread was more than 10 or 15% would only require an audit of a few Precincts. However, if a race were close, up to 20% of the Precincts might need to be audited to insure that if there was a problem, regardless of whether it was related to fraud or some other issue, it could be detected.
- Professor Stark in California recommended that the percentage rate of the winner and loser in each Precinct be reviewed in each race and Precinct to identify high or low differences. Therefore, Precincts would not be randomly selected but based on evident anomalies.
- There were many academic theories on how to determine if a Precinct has an anomaly, but more Hand Count Audits can help determine the integrity of a close Election.
- A Hand Count conducted in one Precinct for every race would confirm for the public that the Election was valid.

Benny offered the following comments:

- This theory assumes a homogeneous voting population, and none of the results referenced in the material provided for local Hand Count Audits.
- His experience in analyzing a variety of Election results in Precincts throughout the State, indicated that Voter behavior and other demographics such as registration and history varies dramatically and needs to be considered when selecting Precincts to audit.
- He cited the CD8 and Primary Elections as examples where variations driven by low turnout created anomalies. Demographic differences in Counties such as Cochise and Pima, small poll numbers, media coverage and variances in Precincts can also create a wide variance.
- He appreciated the work that has been done in this area, but was concerned about inferences regarding particular races as many things can happen that can have a direct impact on the voting (i.e. some candidates have the ability to have direct contact with potential Voters than others through the PEVL versus other candidates in areas with more traditional Voters who prefer to go to the Polls, the media can latch on to an issue and drive events to the resulting circumstances, wide variances between Counties like Cochise and Pima County, etc.)
- He noted that variations driven by Precincts will generate more anomalies and small Poll numbers will drive percentages to become anomalies because there are so few votes cast at the Polls.

Mickey asked if a Hand Count procedure could be developed to give assurance to the people who were not involved in the campaign the assurance that the machine count was correct.

Benny stated that he would have many questions in the event that this was accepted such as what would they audit, how would they do it, what would it cost, how much staff time would be required, and could they obtain a technological solution for scanning that would improve the percentages for accuracy.

Arnie also questioned what the political affect would be on the outcome of a specific race in a Precinct affected by another factor.

Barbara Tellman contended that with respect to the accuracy of a Hand Count, people cannot count as well as equipment, as demonstrated recently by the fact that it took 3 counts to verify 450 Ballots.

The Members also discussed differences in opinion pertaining to whether or not a higher percentage of Precincts for Hand Count Audits could be done than what is cited by law and/or the Secretary of State's Procedure Manual.

## **8. ELECTION TECHNOLOGY – Brad Nelson (Continued to December 14, 2012)**

Brad reported that he spoke with the Secretary of State's Office about the certification of vendors but they are up to their ears with the Elections. He stated that he was talking to the vendors and working towards arranging a visit in December. He mentioned that ES&S, which is currently being used in Graham and Cochise Counties, would be coming and that he had also contacted Dominion, and Hart Intercivic which is based in Texas. He noted that essentially these three companies have gone or are currently going through the State certification process. Arnie inquired about the Easy Voter software, and the consensus of the Members was that the number of errors related MVD records was too high and not accurate enough for our needs.

Barbara stated that she thought that current technology is good at counting Ballots and that it appeared that the problems with the manual side seemed to relate more to focus and procedural errors.

It was suggested that discussion on Best Practices should continue at the next meeting and focus on reviewing the check list, identify potential changes and ideas for improvements.

**9. MAXIMUM TRANSPARENCY IN AUDITING – Jim March (Continued)**

No discussion/action due to Mr. March's absence.

**10. SCHEDULED VENDOR PRESENTATIONS – Brad Nelson**

See Item 8.

**11. MISCELLANEOUS DISCUSSIONS**

- A. Voter Registration Rolls in 2 States Are Called Vulnerable to Hackers  
(New York Times) – Arnie Urken
- B. Michele Reagan Eyes Election Omnibus Bill to Address Inconsistencies and Deficiencies in Arizona's Election Laws (Arizona Capitol Times) - Barbara Tellman
- C. Counting Votes 2012: A State by State Look at Voting Technology Preparedness (Pamela Smith, Michelle Mulder and Susannah Goodman) – Mickey Duniho

No discussion/action.

**12. NEXT MEETING DATE AND TIME – December 14, 2012 (No Meeting in November)**

**13. NEW BUSINESS**

The Chairman asked if there was any new business. No new business items were brought to the table.

**14. CALL TO THE AUDIENCE**

The Chairman inquired if anyone wished to be heard. No one appeared.

**15. ADJOURNMENT**

As there was no further business to discuss, the meeting adjourned at 11:45 a.m.