

MEETING SUMMARY - August 17, 2012

The Pima County Election Integrity Commission met in regular session on August 17, 2012, at the Pima County Administration Building, Board of Supervisors Conference Room, 130 W. Congress, Tucson, Arizona 85701.

1. ROLL CALL

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

Absent: Tom Ryan, Jim March and Drew Spencer
Also in attendance: Brad Nelson, Pima County Elections Department;
Chris Roads, Pima County Recorder's Office

2. PLEDGE OF ALLEGIANCE:

Those in attendance stood for the Pledge of Allegiance.

Note: Charles Geoffrion, Chairman, thanked Catherine Hanna for all of her work and assistance with the Commission, and recognized Joni Castro as her replacement. Catherine thanked the Commission and presented Philibaum Awards to the members on behalf of the County Administrator in appreciation for their service.

3. APPROVAL OF THE JULY 13, 2012 MINUTE SUMMARY:

Noting that the June 13, 2012 minutes were distributed electronically to all members and that there were no comments or changes, the Chairman entertained a motion for approval. It was moved by Barbara Tellman, seconded by Benny White and unanimously carried to approve the July 13, 2012 Minute Summary.

4. 2012 ELECTION UPDATE – Brad Nelson (CONTINUED)

The following is a summary of Brad Nelson's report on the following key items:

Primary Election

The Primary process was going well, ballots were sent to households and mailed earlier than usual to alert people to possible changes in polling places, and voters were encouraged to check their ballots for redistricting changes. The Official Logic and Accuracy Test was scheduled to be performed by the Secretary of State on August 20, 2012, early ballot tabulation would begin on August 22, 2012, and the hand audit count on early ballot tabulation was set for September 1, 2012.

Ballots

Sample ballots went to households of registered voters. Yellow cards would be sent to individual voters who were not on the PEVL list or who had requested a ballot. The reduction in the number of polling places had resulted in an unprecedented surplus of over 750 Poll Workers.

The Elections Department began translating the Ballot propositions into the various languages. The City of Tucson, Town of Marana, Avra Valley Fire District, Sunnyside and Tanque Verde Unified School Districts and the Altar Valley Elementary School District would be the only local questions on the ballot, and they were waiting to see which candidates made it to the General Election Ballot.

Charles inquired about the size of the General Election Ballot and Brad advised that it would consist of one page, printed on both sides.

Poll Worker Training

Charles inquired about the status of Poll Worker training. Brad reported that training was on schedule and going well. Poll Workers had benefited from working one or more of the recent Elections. Resulting report cards, together with the reduction in the polling places, presented an opportunity to weed out some of the marginal Poll Workers.

Classes for Clerks and Marshalls were currently being conducted and training for Inspectors and Judges was scheduled for next week. Training would include emphasis on the new Electioneering Law and the ability to redirect voters to their new polling place or to the Recorder's Office for assistance in locating their appropriate polling place.

On-line training, which was designed to enhance classroom training, was set to go but not quite ready for launching until an email response process was completed by IT. Charles inquired if the site would be interactive. Brad responded that it would not be interactive; however, Poll Workers would have the ability to take the on-line training, transmit the results, ask questions and receive responses electronically. It was hoped that the process would be up and operating in advance of the General Election.

Benny White emphasized that training needed to insure that Inspectors and Judges were familiar with all of the various types of ballots. Brad agreed and explained their participation in a voluntary process called "Practice Makes Perfect" to become refreshed on the procedures for the set up and break down of touch screen machines, addressing common problems with the scanners, and handling of ballots in the event of machine malfunction or loss of power.

Tax Proposition Language Issues

Arnie Urken asked about the resolution of the language on the tax proposition at the State level. Brad responded that it had been resolved, was ready for pre-press

preparation, and noted that it was not uncommon for the Secretary of State to send out text and begin printing publicity pamphlets before pending Court cases had run their course.

Chris Roads reported that regarding the two lawsuits, the State Supreme Court had determined that the tax proposition language would be on the Ballot. The tax increase had not been resolved yet, but he anticipated that a hearing could happen by next week.

Voting and Tracking Processes

Brad stated that unaffiliated voters, who although they received multiple sample ballots in the mail, would only be allowed to vote on one ballot. He also noted that the Libertarian Party would be having a closed Election and only those registered to that Party would be able to vote in the Primary.

Barbara inquired whether this process was explained in the Sample Ballot that was mailed to the voters and Brad stated that he was not sure but would check.

Brad explained the process used for documentation of unaffiliated voter requests for specific Party Ballots on the signature roster. He also covered their plans for improving the accuracy of the results for future elections, and noted that a voter requesting a Partisan Ballot did not affect or change their actual voter registration. Chris Roads stated that recent amendments to the State Law actually required that this information be included in the Canvass in the future.

Benny mentioned that Maricopa County prepared a post-election "Voted Report" which compiled all of the ballots cast in all of the Elections. He thought that this information might be useful and asked Chris what would be required to generate this type of report for Pima County.

Chris answered that it would be a substantial change as the current standard does not allow Pima County to put this type of information into the Voter History Report. The new reporting process, which included providing information on how many ballots were requested and how many were returned by each party, was included in the Canvass for the first time for the CD8 Election. He suggested that if this became part of the law, electronic poll roster equipment might be something to consider in the future.

Recorder's 2012 Election Update

The following is an overview of topics presented by Chris to the Members:

Ballots

73,000 ballots had been turned over to the Elections Department and early voting locations were being opened in phases.

Initiative Petitions

The Sales Tax Initiative had been certified by the Secretary of State's Office for the ballot but it appeared that the State's veto of Federal Law was in trouble due to signature and circulation problems. A large number of signatures had already been disqualified by the Secretary of State's Office, and Maricopa and Pima Counties also had experienced high rejections rates. The proposition for the Primary Election would be completed this weekend and the certification would be done on Monday.

Voter Registration Rulings from the U.S. District Courts

Chris would be participating in a conference call with the Secretary of State and various attorneys regarding the voter registration rulings coming out of the U.S. District Court. The Federal Judge from the 9th Circuit issued an Injunction in early July 2012, stating that the Federal Registration Voter Forms would have to be accepted without proof of citizenship. A new order would require Counties to go back to October 1, 2008 and look at anyone who had not proved citizenship and make them eligible immediately even though it was past the cutoff. A review of Pima County's records indicated that 120 of the forms had been rejected for failure to provide proof of citizenship from 2009 to the beginning of July, 2012. The mandate also required distribution of Federal Voter Registration Forms everywhere where County forms were made available and needed to be completed by August 31, 2012.

Charles inquired about recent rules that pertained to advertising around the polling places. Brad responded that new Electioneering Rules allowed advertising within the 75' perimeter. Although somewhat confusing, Poll Workers and Watchers were still restricted in their apparel; however, voters were not. He also indicated that the advertising restrictions only applied to candidates on the current ballots.

Tucson Meet Yourself

John Moffatt reported that the annual Tucson Meet Yourself event was scheduled for October 19, 2012 and impacted the Recorder's 75' limit required for voting. In the past, recycling had been set up in the Recorder's parking lot on Friday and on Saturday, and the folk artists set up around the inside the perimeter. Chris stated that he disapproved the use of that area when their office was open due to difficulties with pickups and deliveries, not to mention potential fire hazards related to blocked exits. John advised that the management of this event had been transitioned to Tom Moulton and suggested that Chris contact him directly.

Status on Ballot Mailouts

Benny asked how many emergency voting locations would there be for the Primary and Chris answered one for one day.

Benny asked how many undeliverable ballots had been returned to date and mentioned that he had heard comments pertaining to some potential custody control issues in the Recorder's Office. Chris was unsure of the exact number but explained the processing

and handling of the undeliverable ballots which included the fact that they were never opened, entered into the database, boxed up and shipped to outbound storage.

5. ELECTION LEGISLATION (Brad Nelson)

Brad did not have much to report but thought that the various Recorders and Election Officials around the State were busy moving their draft legislation forward for submission at the end of the year. He expressed his interest in the future of a potential provision that would stipulate that if a Precinct had less than 300 registered voters, that Precinct Election could be run exclusively by mail with no polling places.

He also thought that a proposal that might move forward from the Election Officials proposed that if a Precinct had "x" number of voters, and you subtract the people on the PEVL list and bring that number to fewer than 300, then a Precinct Election could be held exclusively by mail.

Charles asked if the legislation moved forward, how many of the Precincts might fall into this category and what the potential cost savings could be should this be adopted. Brad responded that as many as 30 Precincts could be affected with a potential cost savings of approximately \$20,000.

Benny reported on conversations with Ken Bennett, Secretary of State, when he came for the TSx testing, as well as a follow with his staff, indicated their preference to not move forward at this time on the changes that had been recommended and considered by the Legislature last year. Their concern related to the processing of changing Statutes without establishing a convention to talk about and investigate the impact of those proposed changes on other Statutes. Benny stated that it seemed reasonable to do that work post General Election, but was doubtful that there would be a meeting this year.

Chris asked whether this process would be like the Manual and open to everyone. Benny responded that he thought that the Secretary of State first wanted to focus on the legislative changes that had to be made and not deal with the obsolete ones at this time. He also noted that it might be prudent to see what the voters do with the Initiative on the Non-Partisan Pick Top 2 Process, as approval would require all of Title 16 to be revised.

Brad discussed issues and offered some potential suggestions for addressing the consumption of space due to the placement of Presidential Elector names on the ballots.

6. COST OF ELECTION ANALYSIS (John Moffatt)

John reported that the outline of costs had been updated with input received, and that a recent meeting with Arnie, Brad and Chris indicated that although there was a great

deal of detail on how the ballot was processed, it still needed to be determined whether or not it was measurable. He noted that some of the Recorder's costs were not articulated and that Brad and Chris had taken the outline back to identify what was measurable now, and what could be with a few changes. Once that information had been obtained, the costs of the Primary and General Elections could be better tracked.

Arnie Urken commented that many of the costs appeared to be unforeseen. Chris agreed and cited past examples where significant costs were incurred due to errors made by sources outside of the Recorder's Office.

Chris stated that he was also trying to define a process on how they could track time that resulted in a cash outlay for items such as integrity and accuracy. Another area of consideration related to the determination of when it became cost effective to purchase and implement equipment and software to perform processes that were currently being performed manually. Practicality and cost of maintaining a hybrid voting system was also discussed.

John agreed that cost was a key element of dealing with mandates that come from the State and suggested that this Commission's mission also required insuring that although dollars should not interfere with integrity, they also had to consider the most effective ways to spend appropriated funds.

Chris agreed and reported that the County incurred over \$300,000 for the CD8 Election when it was anticipated by the State that the cost would be nothing. The State was supposed to reimburse the Counties for at least part of the election costs in the amount of \$1.25 per voter; however, no reimbursement had been received to date. He called the Secretary of State to check on payment status and was advised that they were waiting for receipt of paperwork from the other Counties.

Barbara asked what the average cost was per registered voter. Brad explained that it averaged \$4-5, that actual voting costs depended on the election and the jurisdictional site, and that bigger elections had a tendency to reduce the cost per voter.

Charles asked John to explain Chuck Huckelberry, County Administrator, concerns when he requested the analysis of election costs.

John replied that the analysis was requested after Chuck noted that the FY2012-13 budget reflected \$10M in costs for election related activities. He was also alarmed by the escalation of costs from 2002 to 2012. John advised that once the analysis had been completed on why and how the dollars were or would be spent, Chuck intended to pass that information on to the Board of Supervisors and ultimately the press. John hoped that they would have the ability to measure the two Elections and have some factual numbers by the end of the year.

7. DISCUSS REVENUE GENERATING STRATEGIES (John Moffatt)

Arnie asked about the status of potentially using students this semester for exploring revenue generating strategies for the Commission via a contact at Eller College of Business. John reported that they were still trying to find some students who might be both capable and interested in working on this project.

Benny offered the services of his son, an Eller graduate, who was very knowledgeable in election and campaign processes. He stated that if the Commission agreed, he would ask him and put him in touch with the appropriate person. All members agreed that this was a good plan.

8. BEST ELECTION PRACTICES (Mickey Duniho)

Charles thanked Mickey Duniho for all of his efforts on this project.

Mickey stated that all Members had received the material from the Douglas Jones and Joseph Harris publications. He noted that although the two books did not easily lend themselves to the desired breakdown for this project, he tried to separate the recommended practices into two categories – those that Pima County does and those that are not done. Some of the things that Pima County does not currently do would require Legislative changes while others could be implemented by the Board of Supervisors if they desired. It was necessary, however, for the Commission to determine the importance of the desired changes before taking on the approval of the tasks.

Charles noted that in Harris' 1934 book, there were 11 out of 38 items that the author recommended that Pima County does not do – one-half that would require changes at the State level and one-half that would not.

A general discussion among the members took place on various issues that pertained to this subject including whether or not a model standard or procedures could be developed that would not require legislative changes, suggestions for improvement, the fact that California was now conducting test cases using a similar process specific to their State right now, the possibility of the creation of a citizen's group accountable to the voters that would oversee the administration of all Elections within Pima County; and, manual versus technological methods to insure integrity and accuracy.

Charles suggested that Mickey use his own list of recommendations that were not included in either book and ask the Commission Members to agree on the priority of those which should receive initial focus.

John agreed and suggested that the Members, during their review, prioritize those items which the Commission could accomplish during the short term and then focus on those which needed to be handled at the State level.

Benny noted voter approval of the "Top Two Party legislation" could affect the entire process and increase the number of issues that would have to be resolved considering that one-third of current voters was not registered with one of the two major Parties.

Because of the complexity of this agenda item, Charles requested that Mickey return with a subset of recommendations prioritized based on what the Commission could realistically accomplish within Pima County and then broaden the scope beyond that.

All present agreed and Mickey requested that all Members email him through Joni Castro with their suggestions on topics most worthy of discussion so he could include their input for discussion at the next meeting.

9. ELECTION TECHNOLOGY (Brad Nelson)

Knowing that the Commission Members would like to see some of vendors come and speak to them about their systems, Brad stated that he hoped to schedule something in December after the General Election.

Pat Pecararo asked if these vendors or their products were certified. Brad responded that they were either certified or in the process of receiving certification.

10. MAXIMUM TRANSPARENCY IN AUDITING (Jim March)

Reminding the Members that Jim March was unable to attend the meeting, Charles inquired if anyone wished to comment on this item.

Benny noted that Jim had expressed some concerns during the evening of the Primary Election pertaining to transparency and asked if anyone had any information to share.

Charles offered a brief explanation of Jim's concern over difficulty viewing activity in the staff room because several windows/doors had been papered, and the potential of data manipulation by staff as they stepped out of view.

Brad explained that Bryan Crane was transmitting period information to the media and had also conducted a ping that night to make sure the GEMS server was not connected to the Internet. He stated that paper had been placed on the windows/doors to give staff privacy when accessing the restroom, and explained that it had been removed after hearing of Jim's concern.

John stated that everyone was doing their best to accommodate and address all of the questions or concerns that Jim or anyone else may have, and they just needed to let the appropriate people know so potential issues could be resolved promptly.

Charles agreed and reminded everyone that the Commission's Bylaws spoke to observation and contained emergency provisions to contact designated emergency people to obtain serious and immediate treatment on any issue or concern.

11. PRECINCT OBSERVATION – PRIMARY ELECTION (Brad Nelson)

Charles inquired about recent changes in rules that govern advertising around the polling places and Brad responded that he was probably referring to the Electioneering Law that was discussed earlier in the meeting.

12. CALL TO THE AUDIENCE

The Chairman inquired if anyone wished to address the Commission. No one appeared.

13. NEXT MEETING DATE AND TIME

The Commission was scheduled to meet again on Friday, September 21, 2012, at 9:00 a.m. in the 6th Floor Conference/Training Room, Pima County Administration Building, Tucson, Arizona 85701.

14. NEW BUSINESS

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

15. ADJOURNMENT

As there was no further business to discuss, the meeting adjourned at 11:57 a.m.