



**PIMA COUNTY ELECTION INTEGRITY COMMISSION
MEETING SUMMARY FOR JANUARY 24, 2014**
<http://www.pima.gov/commission/ElectionIntegrity.shtml>

The Pima County Election Integrity Commission met in regular session on January 24, 2014 in the Herbert K. Abrams Building, 1st Floor Conference Room # 1104 at 3950 S. Country Club Road, Tucson, Arizona

ITEM 1. ATTENDANCE

Present: Tom Ryan, Pat Pecoraro, Mickey Duniho, Bill Beard, Barbara Tellman, Christopher Cole, Elaine Lim, Benny White and Brad Nelson

Absent: Arnie Urken

Others in Attendance: Ellen Wheeler, Pima County Administrator's Office, Matt Smith, Green Party (not official until approved by the Board of Supervisors), Bob Hancock, member of the audience.

ITEM 2. PLEDGE OF ALLEGIANCE

Those in attendance stood for the Pledge of Allegiance.

ITEM 3. APPROVAL OF MEETING SUMMARY – December 12, 2013

It was moved by Benny White, seconded by Barbara Tellman and carried unanimously to approve the Summary of December 12, 2013 Elections Integrity Commission Meeting.

ITEM 4. EARLY IN PERSON VOTING- schedule and site options – Benny White

The Pima County Recorder has replied in a couple of e-mail messages to Benny White and reiterated that is her discretion as to how to conduct early voting with respect to early voting sites, and subsequent to all e-mail traffic she called Benny White and discussed the Brennan report. The report indicated the voter turnout increased by expanding hours and days for early voting. They narrowed the discussion down to looking at changing hours of early voting on the last three days of the week prior to the election. That would be Wednesday, Thursday and Friday prior to the election to possibly accommodate more people that work during the day. There would be something like a 12 to 8 voting period on those days and also some adjustment possibly to Saturday. Number one having early voting on Saturday and possibly having a 12 hour day on Saturday. She was not positively disposed toward discussing Sunday voting. The statute is pretty narrow on

Monday voting which has to be conducted at her office. So at the end of the conversation she said she would consider the changes to the three days of the week proceeding and looking at what if anything to do on Saturday.

Barbara Tellman asked about ballot drop off sites? Benny White stated she was not inclined to do that because of the lack of security from what she has seen in the past. Bill Beard asked just to be clear whether the Recorder saw no legal reason why she couldn't at her discretion widen the time that her office would be open to allow for early voting? Benny White commented that was correct. The only consideration she has is there are the work rules that the employees work under whether or not it affects overtime. Bill Beard commented that was more of an administrative issue. It was also discussed that if early voting polling sites were open until 8 at night, the Recorder would have to staff those sites which would cost more money. Mickey Duniho asked if possible can these sites be staffed with temporary employees? Benny White replied that there is no statutory restriction on who has to work at these sites.

ITEM 5. REMOVAL OF POLLING PLACE SCANNERS – analysis of impact – Brad Nelson

Tom Ryan discussed an analysis of the impact of removing scanners. One is certainly that you would count more ballots at the election center, the second is to take in what is the estimated number of ballots or issues that we can think of that change as a result of going without the scanners.

It was discussed that there is some concern with the processing of the steel boxes once they reach the election center. We currently inspect voting machines as they come in on election night or are permitted to do that under the statute. Under this new proposal voting machines will not be coming back for the exception of the TSX that will have seals on them. Then you get a number of steel boxes being delivered with ballots, approximately 240 of them. What is the process we are going to use to determine what the validity of ballots in that steel box is before we put them into the tabulation system. The process that we are going to use is dependent on accurate record keeping and accounting by the election board at the end of election night and also that we have universal accuracy. Benny White does not feel comfortable sitting on the side of the room watching 200 people at the tables go through stuff and then taking them over to the central count room and running them through the tabulator. He stated the only thing I'm missing here is that I don't have the precinct registers if we are going to go with an e-poll book. I don't know how many people showed up, I don't know how many people thought they were casting a valid ballot, I don't have a voting machine count to reconcile what the differences might be. Currently you can count the number of signatures in the precinct roster versus a count of the number of ballots. Brad Nelson discussed that he is sensitive to the concerns of the commission. He stated that Vail was an experiment for us, in which we learned a lot from. To summarize what the commission has a concern with is that they need the process to be what has existed in the past. Which is four to five different accounting processes that go across all scenarios, this would be using poll lists, signature roster, tapes, ballot reports, etc. all those things to see whether the number of ballots cast is the same as it goes through all areas, and that is what he is shooting for.

He explained that we will still have seals on the steel boxes, but certainly we want to make sure before the box goes through central count that we are checking across all fields, that will not only make us comfortable, but also make the political parties comfortable as well. He discussed a process in which if there would be a problem with the count in the steel box that box would go to a snag board to get the problem resolved.

ITEM 6. RESIDUAL VOTE RATES – Tom Ryan

Tom Ryan commented on the study of over vote rate. He said one argument for not eliminating precinct scanners is because the over vote rate will go up, the reason for that is because the polling scanners would kick back any ballot that was an over vote. Then the voter would have a chance to spoil that ballot and vote again. The Precinct over vote rate is low but the over vote rate goes up by about a factor of 5 if you are not voting at a polling place. Bill Beard asked would the presumption be if we are going without scanners that if they over voted it would not be a big deal? If we have a close election this could make a difference and if we are supposed to be about the integrity of the system by removing scanners would the error rate be something we are willing to accept? He commented he finds that troubling. Benny White stated that we have to understand that 75% of the ballots come in as early votes. Mickey Duniho stated that the approach is to educate the voter that the scanner will not be there to catch an over vote to give the voter a second chance. Mickey Duniho commented that if there would be a question on a close election, that person would demand a recount you would have to look at every over vote to determine voter intent. Christopher Cole asked how would you determine voter intent? Brad Nelson stated that there are standards for voter intent and those are statewide. Bill Beard feels removing the scanners would be problematic, because if there is a problem with the ballot, the problem would be brought up to the voter while they are still there and voter intent will not have to be determined by someone else. Tom Ryan commented that there is a balancing story here. The under vote rate is much higher because as you go down the ballot people start not voting for anybody. The under vote rate is lower for early ballots, which implies that people have more time to research the races they should vote for and these numbers are more significant. Benny White commented that the higher under vote rate in precincts (as opposed to early) could be due to demographics with an unbalanced proportion of less experienced or less informed voters going to the polls. Benny White also commented that machines are getting older and we are going to see more and more locations going to central count.

ITEM 7. ELECTION SYSTEM PROCUREMENT –

Update – Brad Nelson

Several meetings with IT have taken place, still drafting the Statement of Work once it's final it will go to Procurement. Our next meeting is scheduled for February 4, 2014. Our Primary and General in 2014 will be conducted with our current equipment. We are hoping to get new product delivered in the fall of 2014.

EIC Recommendations – Tom Ryan / Benny White

Benny White stated that a recently released report from the Electoral Commission mentions the election equipment environment and that the folks that have the potential to develop these devices. These companies are very reluctant to make the capital expenditure to develop these devices because they don't know what rules they are going to be operating under. These companies are building other systems, they are not exclusively making elections equipment but are also producing other products. Brad Nelson mentioned that not all states have the same requirements as the state of Arizona, some states may not have any requirements at all. Mickey Duniho discussed the option to lease/ or rent equipment. Benny White stated that it time would take too much time to train staff using different equipment if we leased or rented equipment.

ITEM 8. E- POLL BOOK STATUS - Brad Nelson

Brad Nelson along with a few members of the Elections Department met with staff from The Pima County Recorder's office with Chris Roads presiding over the meeting, since F. Ann was out of the office. Some of the comments that were made were that they liked many of the aspects surrounding e-poll books. Looks like they are going to do 10 percent of precincts going forward with the e-poll books for the August Primary election in 2014. If that is a success, then they will double that amount to about 50 percent or so for the November General election. F. Ann wants to take this incrementally instead of just totally changing the system we currently use. Paper register rosters are processed approximately 15 days in advance and getting all information updated in those books it's almost next to impossible. By using the e-poll book updates will happen within a few seconds just by the push of a button. This process will decrease the number of Provisional ballots.

ITEM 9. COST OF ELECTIONS – Arnie Urken /Brad Nelson

Arnie Urken is absent a discussion will take place at the next meeting.

ITEM 10. TWO TIER VOTING – Status Update Bifurcation – Brad Nelson

Brad Nelson sent a link to be distributed to the members the draft of the Procedures Manual. This link attempts to address this subject. Members can give input to the Secretary of State's office with any suggestions.

Mickey Duniho commented that the AG went to the EAC to attempt them to require birth or citizenship information on the federal form, but the EAC told them to get lost. He is now threatening to go back into the courts. Brad Nelson stated that it's in the 10th circuit court right now. Benny White commented that there are a number of issues

That are going to be decided by the Kansas Court, and this is whether or not this acting Director has the authority to do anything is at issue, whether there is any kind of substantial legal basis for the decision that the EAC rendered is also an issue. Principles of federalism are also being argued. In his opinion this matter will not be resolved until after the 2016 elections. Eventually this will have to go back to the Supreme Court for a decision. He stated that it remains his view that the Secretary of State does not have the legal authority to do what they are attempting to do in these procedures. They are creating new election laws that are not supported by the statute.

ITEM 11. REPRECINCTING – Update – Barbara Tellman / Brad Nelson

Brad Nelson stated that in November 2013 the Board of Supervisors approved the Consolidation of precincts from 285 to 248. Once the resolution was passed the Pima County Recorder's office has until March 1st 2014 to make the necessary changes of precinct boundaries. We have not printed maps yet.

ITEM 12. NEW BUSINESS

Tom Ryan took count of how many members had not taken the Open Meeting Law Briefing. He thinks it would be better for only the people that have not had the briefing to take it, unless it is required every certain number of years.

Brad Nelson commented that the Sunnyside Recall will be an all-mail election.

Benny White discussed a report from the Presidential Commission; he will send a link to be distributed. This report has important information about procedural problems and resolutions across the nation of what other jurisdictions have run into and it would be beneficial if people have the time to read.

ITEM 13. NEXT MEETING DATES

February 21, 2014

March 21, 2014

April 18, 2014

ITEM 14. CALL TO AUDIENCE

Bob Hancock and Matt Smith members of the audience had no comment.

ITEM 15. ADJOURNMENT

It was moved by Tom Ryan, seconded by Bill Beard and unanimously carried to adjourn the meeting at 10:50 a.m.