

PIMA COUNTY
ELECTION INTEGRITY COMMISSION

BYLAWS

ARTICLE I
NAME

Section 1 The name of this organization shall be the Pima County Election Integrity Commission (EIC).

ARTICLE II
LEGAL REQUIREMENT

Section 1 The Pima County Election Integrity Commission ("EIC") was created by Board direction on July 1, 2008. The Commission will function under the authority of the above-mentioned resolution and other stipulations as stated in the Pima County Code.

ARTICLE III
FUNCTION and PURPOSE

Section 1 The Pima County Election Integrity Commission is chartered as an advisory group, reporting to the Pima County Board of Supervisors. The purpose is to help improve the conduct of elections by examining the systems and processes behind them in order to improve functioning of and public trust in the Pima County electoral process.

ARTICLE IV
MEMBERSHIP, APPOINTMENTS and QUALIFICATIONS

~~Section 1 In accordance with direction by the Pima County Board of Supervisors EIC shall be composed as defined in Section 2.~~

Section 21 ~~APPOINTMENT:~~ Voting **Each** members of the Pima County Board of Supervisors shall each appoint one (1) member to the EIC. The Pima County Administrator shall appoint one (1) member to the EIC. ~~In addition, e~~Each political party, recognized by Pima County, shall appoint one member. All appointments are ~~to be ratified~~ **approved** by the Pima County Board of Supervisors.

Section 32 ~~QUALIFICATIONS:~~ The membership of the Commission must be composed of ~~residents of Pima County.~~ **Each voting member of the EIC shall be a resident of Pima County and a registered County voter.**

Section 43 ~~NONVOTING MEMBERS:~~ The **Pima** county shall appoint one (1) staff person to serve as an ex-officio, nonvoting member. **The Director of the Pima County Election Department shall be an ex-officio, non-voting member.**

Section 54 ~~TERMS:~~
a. The terms of members of the Commission ~~appointed by Pima County officials~~

shall be two (2) years from the ~~time date~~ of that member's appointment ~~as is~~ ratified by the Pima County Board of Supervisors. ~~Such members may be removed with or without cause prior to the expiration of their term by the County Board of Supervisors who appointed them or by their successor in office.~~

- b. ~~The terms of members appointed by political parties shall be for two (2) years.~~
- c. **Members may be removed with or without cause by the person or party that appointed them or the successor to that person.**
- d. Upon the expiration of an appointment a member of the EIC may be reappointed or replaced by the ~~appropriate~~ appointing official **or party**. **There is no limit on the number of terms a Commissioner may serve.** In no case may a member serve if his or her appointment has expired.

Section ~~65~~ **REMOVAL:**

- a. ~~The appointment of an EIC member who fails to attend~~ **If a voting member misses** four (4) consecutive regularly scheduled meetings ~~and/or who fails to attend at least forty percent (40%) of the~~ **regularly scheduled** meetings called in a calendar year ~~will be terminated~~ **the EIC may remove that member by majority vote. Such vote shall be placed on the agenda of the first scheduled meeting after the criteria for removal are met. The person whose membership is in question shall be notified of the scheduled vote and shall be allowed to present a defense against removal. A two-thirds vote of members attending shall be required for removal.**
- b. The EIC may by a two-thirds vote recommend to the ~~appropriate governing body the removal of any member~~ **Pima County Board of Supervisors that a voting member be removed from the EIC for reasonable cause other than non-attendance.**

Section ~~76~~ **VACANCIES:** ~~Vacancies on the Commission~~ **If a vacancy occurs on the Commission for any reason, it shall be filled by appointment in the same manner in which members are initially appointed and such appointment shall last be for the duration remainder of the unexpired term.**

ARTICLE V
OFFICERS & ELECTIONS

Section 1 The officers of ~~this Commission~~ **the EIC** shall ~~include~~ **be the** Chairperson and Vice Chairperson.

Section 2 ~~Two-thirds (2/3) of the members of the EIC who are appointed and qualified must be present to hold election of officers.~~ **A quorum of ninety percent of eligible Commissioners is necessary to elect officers and a two-thirds majority is required**

for election.

Section 3 ~~An~~ The election for of officers of the EIC shall be held each year take place at the first meeting of the calendar year, at which the requirements in Section 2 above are met or as required to fill a vacancy.

Section 4 Each elected officer shall hold office until a successor is elected and qualified or the person holding the office is no longer a member of the EIC.

ARTICLE VI DUTIES of OFFICERS

Section 1 Chair shall:

- a. Preside at all EIC meetings and ensure meetings are in compliance with all governing rules.
- b. Ensure that standing committees and other ad hoc committees are established as needed and chaired, and their tasks are expeditiously and effectively performed.
- c. Serve as an ex-officio member of all committees
- d. Shall be the spokesperson for the Commission unless the Chair designates another voting member due to circumstances.
- e. Complete and submit the Annual Report to the Pima County Board of Supervisors.

Section 2 The Vice Chair shall:

- a. Perform the duties of the Chairperson during in the absence of the Chair.
- b. Act in as an advisory capacity advisor to the Chairperson and perform such functions additional duties as assigned by the Chairperson.

ARTICLE VII REMOVAL of OFFICERS FROM OFFICE

Section 1 ~~The EIC may by a two-thirds (2/3) vote of those~~ A quorum of eligible Commissioners appointed and qualified at any one time may decide by a two-thirds majority to remove any officer for reasonable cause. Such action A removal vote must be proposed at least one (1) regularly scheduled meeting prior to the scheduled vote.

ARTICLE VIII COMMITTEES

~~Section 1 All EIC meetings will be conducted in accordance with the Arizona Public Open Meeting Law, A.R.S. 38-431.~~

- Section 21 ~~a. Ad hoc committees may be designated as necessary by~~ The EIC may create standing and ad hoc committees to assist in providing advice to the entire commission. Ad hoc committees should be appointed for a term of office not to exceed the shortest individual remaining term of office.
- Section 2 ~~b. Such committees shall be composed of one or more EIC members~~ Standing committees of current commissioners may be proposed by any Commissioner or by the Chair and ratified by a simple majority of the Commissioners.
- Section 3 ~~c. Other interested citizens/residents may be appointed by the EIC to serve as members.~~ The Chair or a Commissioner may propose the creation of an ad hoc committee composed of Commissioners and citizens. A simple majority of Commissioners can veto the creation of an ad hoc committee.
- ~~Section 43 d. Ad hoc committees will be dissolved upon the completion of their assigned task.~~

ARTICLE IX MEETINGS

- Section 1 All EIC meetings will be conducted in accordance with the Arizona Public Open Meeting Law, A.R.S. 38-431.
- Section 2 The EIC shall hold a minimum of 9 meetings per calendar year.
- Section 3 A majority of the voting members ~~eligible Commissioners of the EIC~~ shall constitute a quorum for the conduct of general business.
- ~~Section 34 The act of a majority of the Commissioners present at a meeting at which there is a quorum shall be the act of the EIC unless the act of a greater number is required by law or by these bylaws.~~
- Section 4 ~~Member~~ Commissioner decision-making actions will shall be governed by the provisions of the Arizona law on Conflict of Interest, A.R.S. 38-501.
- Section 5 Proposing And Approving Agenda Items:
- The Chair and staff will shall send a proposed agenda to all Commissioners ~~EIC members~~ at least one week before the next prior to any regular scheduled meeting.
 - ~~Agenda items can be proposed by a~~ Any Commissioner member, including the or non-voting members, may propose an item for the agenda. The proposal shall and be sent in person, by email or regular mail to the EIC staff and the Chair and Vice-Chair by email, regular mail or personal contact for approval. The Chair at his or her option may then approve or disapprove the proposed agenda item. The submission must be at least one week prior to any regular meeting. For emergency meetings, agenda items must be delivered 24 hours before the day of the proposed emergency meeting.
 - If the Chair disapproves the agenda item, the Chair ~~must inform~~ shall notify the

proposing Commissioner within one day of receipt. The proposing Commissioner ~~can~~ **may** then request an override of the Chair by notifying ~~the Coordinator~~ **staff** who ~~obtains written or email support of~~ **shall then poll the remaining voting members of the EIC and if** four (4) ~~additional Commissioners~~ **members support the proposed agenda item it shall be placed on the agenda.**

- d. ~~The final agenda will be compiled three (3) business days before the meeting,~~
- e. ~~Any EIC Commissioner may bring up an item at any meeting under "New Business."~~
- f. **D.** At the start of ~~any~~ **the** meeting, agenda items can be called into question by any **EIC** member by making a motion to remove the item. ~~Votes on removal will be decided by a simple~~ **If a majority of voting members** ~~those present and voting~~ **vote to remove the item it shall be removed from the agenda.**

Section 6 **Any member of the EIC may request** ~~A call for an emergency meeting of the EIC to discuss an issue pertaining to the handling of elections within Pima County can be requested by any Commissioner, through the Coordinator,~~ **by notifying staff of the request. who then obtains written or email support from Staff shall notify each member of the EIC of the request and if four(4) other voting members support the request through written. email or other communication then the emergency meeting shall be scheduled at the earliest available time.**

Section 7 **Abstentions are not allowed in EIC voting decisions. However, the Chair or a Commissioner may request that a private vote be conducted. Under this procedure, a vote must be scheduled in accordance with the Open Meeting Law (OML). Each Commissioner makes a special quasi-anonymous ballot to express a preference. The special ballot allows votes to be counted without identifying the voter. Then, once the votes have been tallied, the ballots may be recounted to record the vote of each Commissioner. The intent of this option is to a) make voting consistent with the OML by recording each Commissioner's vote, and b) to counteract the tendency to produce non-deliberative majority voice votes which encourage non-deliberative voting behavior in which voters can be unduly influenced by other voters.**

ARTICLE X ETHICAL CONDUCT

Section 1 At all times each EIC Commissioner shall conduct him ~~and~~ **or** herself in a respectful and collegial manner **when dealing with other members or the public.**

Section 2 When Operating Outside of Formal EIC Proceedings:

- a. ~~It is understood that Commissioners are likely to engage in political activities outside of the formal EIC structure.~~
- b. Whenever ~~members~~ **Commissioners** speak publicly and they choose to mention their EIC membership they must state for the record that ~~he or she is not~~ **they**

are speaking for themselves and not on behalf of the EIC.

- c. ~~Members~~ Commissioners have the right to publicly discuss EIC business that is a matter of public record.

ARTICLE XI
LIMITATION of POWERS

Section 1 Neither the EIC nor any ~~member~~ Commissioner may incur governmental expenses without the prior authorization of the governing body affected, nor may they obligate Pima County in any form.

ARTICLE XII
PARLIAMENTARY AUTHORITY

Section 1 The parliamentary guidelines of the Pima County Election Integrity Commission shall be in accordance with Robert's Rules of Order, ~~eleventh edition~~ as applicable.

ARTICLE XIII
OPEN MEETING LAW TRAINING

Section 1 The EIC shall hold a training session on the Open Meeting Law for all members once a year.

Section 2 If any member(s) miss the scheduled training session, for whatever reason, a training session shall be conducted for that (those) person(s) as soon as possible.

ARTICLE XIV
AMENDMENTS and REVIEW

Section 1 These bylaws may be amended at any regular meeting of the EIC by a two-thirds (2/3) vote of ~~two-thirds of eligible voters~~ those present and voting, provided that notice of the change has been given to ~~members~~ Commissioners at least one (1) week prior to the meeting at which the voting takes place.

Section 2 These bylaws shall be reviewed at least every five (5) years by the EIC.

Ratified by the Pima County Election Integrity Commission on this _____ day of _____, 2015.

~~_____~~
~~10-21-11~~

~~Date~~

Chair, Election Integrity Commission

Counsel as to Form