



**PIMA COUNTY ELECTION INTEGRITY COMMISSION  
MEETING MINUTES FOR JULY 17, 2015**

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

The Pima County Election Integrity Commission met in regular session on July 17, 2015 at 9:00 a.m. in the Herbert K. Abrams Building, 1<sup>st</sup> Floor Conference Room #1104 at 3950 S. Country Club Road, Tucson, Arizona.

**ITEM 1. ROLL CALL**

Present: Brian Bickel, Bill Beard, Beth Borozan, Brad Nelson, Matt Smith, Karen Schutte, Arnie Urken, Chris Cole and Tom Ryan. Barbara Tellman arrived at 9:30.

Absent: Jeff Rogers.

**ITEM 2. PLEDGE OF ALLEGIANCE**

The American flag was saluted with the Pledge of Allegiance.

**ITEM 3. APPROVAL OF MINUTE SUMMARY – June 26, 2015**

Bill Beard suggested one slight adjustment to the first sentence in Item 5 to remove a “double negative” present in the current text. It was moved by Brian Bickel, seconded by Chris Cole and carried unanimously to approve the Minutes of the June 26, 2015 meeting.

**ITEM 4. CALL TO PUBLIC**

No comments from the public; no public present.

**ITEM 5. ACCESSIBLE VOTING AT THE POLLS – Brad Nelson**

Brad Nelson provided a product sheet on the AccuVote®-TSX accessible voting equipment currently used in Pima County [a copy of this product sheet is incorporated into these minutes as Attachment 1]. This HAVA approved equipment is used in each polling place. It uses push buttons similar to an ATM, with audio in English and Spanish to review ballot if desired. Brad also provided a mocked up paper audit trail showing votes cast in a fictitious election [a copy of this paper audit trail is incorporated into these minutes as Attachment 2]. This device—hardware and software—is not compatible with the new central count equipment. Brad has checked with the Secretary of State’s office, with the County Attorney, with the City of Tucson Clerk since this equipment will be used in the November election regarding the continued use of the TSX equipment, and everyone seems to suggest that the law allows it. Since the TSX is not compatible with the new equipment, the votes on the paper audit trail will be duplicated onto a ballot that can be read by the new system; the actual paper audit trail will still be used in the Hand Count Audit.

Brad also explained that in the General Election of 2014, there were TSX devices at all 240 polling locations plus in early voting locations. The TSX devices were not used at all during early voting, and they were used less than 60 times compared to approximately 80,000 voters who voted at a polling

place. He anticipates that the TSX devices will be used a combined total of 200 times for all elections in 2016.

The Procedures Manual is not currently explicit in its language for duplicating a ballot from the paper audit trail of a DRE machine if the election card is not able to be uploaded. Matt Smith asked Brad when this duplication would be performed. Brad responded that when the canisters come back from the polling locations on Election Night, duplication will happen the very next day. Brad then explained the duplication process in the Elections Department: When a ballot cannot be read for a particular reason—for example, an unreadable ink color, a tear in the ballot—a two-member board of opposing political parties is formed. An identical blank ballot is marked by one board member as the other board member reads from the original ballot; when the ballot is completed, they give the ballot to a separate board to review for accuracy. All duplications are logged. Duplication of the TSX paper audit trail is handled the same way.

Brian Bickel commented that with current technology, translation software should be possible to develop. Chris Cole asked how a voter with limited visibility can verify that the ballot was filled out properly; Brad responded that if the voter requests assistance in any way at the polling place, regardless of disability, it is readily available. Or a voter may bring someone with them to assist them. In addition, the device audio states that assistance is available upon request. The sample ballot discusses voter assistance, as well. Beth Borozan mentioned that curbside voting is also available for voters.

A voter has the availability to review the ballot electronically on the screen and make any changes if they wish. Their choices are then printed on the paper audit trail which can be viewed through a small window, but not yet cast. If the voter wishes to make any changes, they can reject the ballot (which shows on the sample paper audit trail presented). Once they tell the device to cast the ballot, the votes are added to the totals and the ballot advances into the canister out of view of the next voter. The device does not print a receipt for the voter.

Brad said that by continuing to use the TSX devices, the County will save about \$980,000 which is what it would cost to purchase the accessible devices compatible with the new equipment, but which would hardly be used.

Tom Ryan pointed out the irony of this situation. Back in 2006 when the TSX units were purchased, he along with a number of others were advocating for the AutoMark system that would have been compatible with the new system. It would have printed out a paper ballot which could then be scanned. It was not purchased because it was built by a separate company and wasn't certified at the same time for the Diebold system. Brad noted that the programming for the AutoMark is still in GEMS, and may not be compatible with the ES&S system.

Karen Schutte mentioned that the City of Tucson has the ES&S accessible devices and they are very "slick." Brad responded that the Elections Department has some of the ES&S devices which will be used for duplication, not for use at the polls.

## **ITEM 6. ES&S SYSTEM SECURITY**

- **Questions for Vendor**

There is a list of questions compiled from EIC members [a copy of this list is incorporated into these minutes as Attachment 3]. Tom Ryan asked if anyone had an issue with any of the questions. Bill Beard said it would be appropriate for the questions go to the vendor through the Elections

Department. Brad Nelson stated that if it is the pleasure of the Commission, he would be the bridge between the vendor and the Commission. Tom suggested that Brad send the questions to the vendor along with a letter. Brad agreed to do that, and he will provide the letter to Tom as the chair and Barbara as vice-chair for approval. He is unsure as to how long it will take ES&S to provide answers.

**ITEM 7. PROCEDURES MANUAL REVISIONS – Barbara Tellman**

• **EIC Recommendations**

Barbara Tellman provided a list of her comments [a copy of this list is incorporated into these minutes as Attachment 4].

Brian Bickel asked if the procedure for approving the new Manual will be different now that preclearance by the Department of Justice is not required. Brad responded that the internal process is that the Secretary of State will give the final draft to the Arizona Attorney General's office and to the Governor. Once the AG and Governor sign off on it, it becomes law.

Barbara began her discussion on her proposed changes to the Procedures Manual. Chapter 2, Qualification and Registration of Electors needs revision with respect to Federal only voters since there is now a final court decision. Two issues that she discussed were clarification of the procedure for duplicating a Federal only voter's ballot if they vote provisionally on a full ballot, and the exclusion of Federal only voters who bring citizen identification to the polling place from being able to change their voter registration that day. Brad explained the update process for a voter who is changing other information through the use of a provisional ballot as long as the voter moves within the same county.

Chris Cole asked if a voter who used to live in Cochise County and has moved to Pima County would need to go back to Cochise County to vote. Brad's response was that if he moved to Pima County before the 29-day voter registration cutoff, he should have registered to vote in Pima County because voters need to vote at the polling place for the new residence. He could go back to Cochise County to vote; however, he may be challenged as a non-resident. Brad said that a voter needs to keep his voter registration address up to date, as well as his identification that he brings to the polls.

Karen Schutte asked where the Federal voter registration form can be found; Barbara responded that the Recorder's office has information on the forms, and the forms are also available through the Federal election site. Brad said that when the Recorder receives a Federal voter registration form that does not list citizenship identification, she makes a concerted effort to contact the registrant to inform them that they will not be able to vote a state ballot, only a Federal ballot.

In Chapter 11 of the Manual, the issue of counting ballots as early as a week before the election needs to be updated to take into account the speed of the new tabulating equipment. The new central count equipment used by the City of Tucson increases the speed of tabulating ballots from 750 per hour to 400 per minute. Brad pointed out that the bottleneck in tabulating ballots is more in the processing of them for tabulation, and methods to streamline that process would be helpful. Adding more personnel on the Elections Department early ballot boards is under consideration.

On the issue of use and storage of ballot images, Tom acknowledged that the Manual in its current form does not address this. But as this technology becomes more widespread, the laws will need to change. The question is, is the ballot image a ballot? He sees great potential in the use of these images, but worries that the powers that be may be as restrictive as possible in their initial

attempts. Tom made a recommendation for Commission members, not as the Commission but as individuals, to submit language to address this issue in election law to the Secretary of State. Tom asked Brad his view on these images; Brad noted that he has had conversations with Eric Spencer, State Elections Director about use and storage of ballot images. Brad thinks using the ballot images for auditing purposes is a good idea, as well as for tallying valid write-in votes. Barbara requested that Tom put together his comments and submit them to the Secretary of State. Tom again encouraged other Commission members to submit comments.

Barbara briefly reviewed the rest of her comments, starting with the hand count audit section. Regarding the comment on experimental use of not fully certified equipment, Tom asked Brad if Yavapai County received formal approval from the Secretary of State to use such equipment. Brad responded with his understanding of that situation: Yavapai County purchased the Unisyn system. The scanners and HAVA equipment used at the polls are fully certified by the independent testing labs, the EAC and the Arizona Secretary of State. The central count portion of that system was not certified by the Arizona Secretary of State in 2014. Since then the system has received certification by the Secretary of State with the exception of one facet of the system that is not approved, which is often referred to as online adjudication. For example, if a ballot has been marked by the voter circling the oval rather than filling in the oval, the device allows the operator to electronically apply a vote in the oval. All other functions of that central count system are certified, but not the online adjudication. The ballot itself is never altered; but within the software, a vote has been cast.

**ITEM 8. SECRETARY OF STATE PROPOSED CHANGES TO ELECTION LAW – Tom Ryan**

Tom Ryan said he thinks EIC members should also make recommendations on election laws, but again as individuals, not as a Commission. Bill Beard announced that the meeting in Phoenix originally scheduled for Tuesday [July 21] has been rescheduled and to watch for an email. Campaign finance seems to be the focus.

**ITEM 9. UPDATE ON INSTALLATION NEW CENTRAL COUNT EQUIPMENT – Brad Nelson**

The servers have been installed and some test ballots run through. On or about July 30, ES&S will be back to train Elections Department staff on the DS850, and during the week of August 3<sup>rd</sup>, classroom training will begin on the software. Brad is looking forward to seeing how the City of Tucson's election in August goes. In light of other counties' disasters, when Pinal County lost all their election equipment in a warehouse fire and Cochise County could not count their ballots on their equipment, Brad is proposing to take some mock election ballots to Pinal County and to City of Tucson to see if Pima County ballots can be counted on their equipment as an emergency drill. He has also invited the Secretary of State's office to participate. In theory, since all three jurisdictions have the same equipment and the same software, Pima's ballots should be able to be tabulated on the other equipment and vice versa. Bill Beard asked if any other Arizona counties are looking at the same system; Brad responded that he understands Cochise and Graham Counties are considering the same system.

**ITEM 10. CITY OF TUCSON PRIMARY ELECTION UPDATE – Barbara Tellman/Karen Schutte**

Karen Schutte described the new equipment that the City of Tucson has: 2 DS850's and 8 HAVA devices for use at their voting locations. She passed around a green notice that will be going out with the ballots in August [a copy of this notice is incorporated into these minutes as Attachment 5]. The notice states that voters who are not on the PEVL will need to request a mail-in ballot if they wish to vote early for the General Election. Karen thought the City will be mailing Primary Election

ballots sometime around August 3<sup>rd</sup>. Bill Beard noted that the City Charter requires at least one ballot drop-off location per ward. Brad clarified that ballots are only going out to partisan registered voters with a candidate and independent voters who have requested a party's ballot. However, independent voters who have not requested a party ballot will not get this notice.

Barbara Tellman mentioned the City's additional new machines, one of which will sort by zip code, another which is capable of sorting incoming ballots in different ways and even opens the envelopes, and another machine assembles packets for mailing out. These machines will actually be used by other City departments also.

Karen said that the City of Tucson will be doing PSA's on the combined elections.

**ITEM 11. U.S. SUPREME COURT'S DECISION ON THE DESIGNATION OF U.S. CONGRESSIONAL DISTRICT LINES BY THE IRC – Brad Nelson**

The United States Supreme Court has ruled that the people are the legislature and have the ability to appoint the Independent Redistricting Commission. Therefore the Congressional District lines established by the IRC for current and future elections are just fine. Brad said there is another Federal case pending that concerns numbers of population within individual districts. At this time, Brad doesn't know which way that will go but it shouldn't impact us any time soon.

**ITEM 12. ELECTION COSTS – Tom Ryan**

- **Objectives for Existing Data**
- **Estimate Relative Cost for All-Ballot-By-Mail**

Brad had sent Tom an email asking what the Commission wants to do with this data. Tom recalls there were five questions that the Commission had developed hoping to be addressed by the cost data. One of those questions was one originally posed by Mr. Huckelberry, which is, how cost effective is an all-mail election? In order to determine that, someone needs to volunteer to take this project on.

Brad pointed out that some jurisdictions with historically low turnouts at polling place elections actually increased turnout by going all-ballot. But in the case of a county-wide election, where you are already getting a 50% to 70% turnout with early voting and polling place elections, you aren't going to see a sizable increase in turnout. In the case of cost, there will be savings by not having polling places, but there will be an increase in verification of returned ballots, early boards, etc. Brad's observation is that the savings by not having polling places is somewhat counterbalanced by the increases in the administration of the early ballot process. There was a statewide ballot initiative some years ago that was defeated. Brad is in favor of going all-mail, but he would still want to see some centers, say 20 to 25 around the county, for voters to turn in ballots or to receive replacement ballots.

Bill Beard stated that in many cases, the only time most citizens have any kind of personal interaction with a government official is when they go to vote. The principle of the citizen being in charge is clear on Election Day.

Tom read the final paragraph from a memo that Mr. Huckelberry sent to the Board of Supervisors concerning increased election costs [a copy of this memo is incorporated into these minutes as Attachment 6]. This was how tracking election costs began, and now the Commission has data for several years. There hasn't been that much that "popped out" as a result of reviewing the data. If the Commission were to make a recommendation to the Board, associated costs could be gathered.

But other than interesting information, Tom questions the utility of the data. Karen explained the difficulty she has encountered in correlating data from one election to another.

The data will continue to be collected because it is helpful in generating budgets for the Elections Department. Tom suggests that if a member would like to discuss Election Costs, then it can go on the Agenda; otherwise it won't be on the Agenda.

**ITEM 13. AUDITING WITH BALLOT IMAGES – Tom Ryan**

• **When to Present Recommendation to Board of Supervisors**

Tom has been trying to contact Sharon Bronson about doing a presentation to the Board of Supervisors on this issue, and will continue to try [a copy of the recommendation letter is incorporated into these minutes as Attachment 7]. The Commission should decide which election to address; the Presidential Preference Election in March would be good because it is simple.

**ITEM 14. CHANGES TO EIC BYLAWS – Chris Cole**

Barbara Tellman suggested that they review the changes to the EIC Bylaws line by line; Tom Ryan agreed [a copy of the current marked-up version of the Bylaws is incorporated into these minutes as Attachment 8]. The current version is a line-by-line compilation that Brian Bickel made, using the existing Bylaws and the current proposed changes.

Tom proposed going line by line through it, and quit at noon. Then the next time they will start where they left off.

The Commission reviewed the Bylaws through Article VIII, and will begin with Article IX next time.

**ITEM 15. FUTURE AGENDA ITEMS**

The Agenda for the May meeting will move forward to August.

Tom requested that the Bylaw revisions be added to the next Agenda to review if there is time.

**ITEM 16. NEXT MEETING DATE**

The next meeting date will be August 21, 2015 with the Secretary of State.

**ITEM 17. ADJOURNMENT**

It was moved by Bill Beard and seconded by Barbara Tellman and unanimously carried to adjourn the meeting. The meeting adjourned at 11:50 a.m.

# AccuVote®-TSX

AccuVote®-TSX is a revolutionary touch-screen voting system which provides proven and intuitive voting solutions. This unit automatically records and stores encrypted ballot information and election results. Its intelligent voter card technology allows voters to activate their vote session privately without assistance. Overvoting is prevented with voters unable to select more than the specified number of candidates for a given race. To help eliminate undervotes, a review page is presented to voters, alerting them if a race is undervoted, allowing a change before casting their ballot.

## Key Features and Benefits:

- Proven accuracy and reliability
- Large touch-screen display enables voters to effortlessly make selections
- Eliminates overvoting and helps reduce undervoted ballots
- Voice-guidance for visually impaired voters
- Secure, non-volatile media devices protect election results
- Sophisticated data encryption
- HAVA compliant
- Printable a voter verifiable receipt



experience  
reliability  
security  
innovation



## The AccuVote®-TSX is a Superior Touch-Screen Solution Because...

- **Security:** Each ballot's information is encrypted and stored within the TSX .
- **Efficient:** Accelerated ballot accumulation enables secure collection of voting results from multiple units.
- **Flexible:** Accepts thousands of ballot styles in more than eight languages, including character based languages.
- **Adaptable:** Supports large jurisdictions and early voting applications by accessing any ballot style within a particular jurisdiction from any installed unit.
- **Simple:** Provisional ballots are electronically captured for further verification.

Its auditing application allows for simple archiving and on-demand requests. Files can easily be converted to hardcopy. With a full complement of electronic audit files, anything can be converted on demand to hard copy.

## Ease & Accessibility

Featuring an integral printer, the TSX produces vote totals for respective voting stations or precincts as part of the permanent election record. Tabulation accuracy during the election canvassing process is simple by comparing the printed reports to electronically stored results.

The AccuVote®-TSX voting station works in conjunction with ES&S' Election Management Software, GEMS®. As a multi-functional, Microsoft®-based software, it seamlessly performs all election functions while automatically generating all appropriate ballot styles for each precinct.

The voice guidance feature enables people who are visually impaired to sequence through the entire ballot using verbal prompts – allowing voters to independently vote with complete privacy.

Ballot magnification feature enables people with sight limitation to easily read the touch-screen ballot and make selections. It can be activated by the voter at any time. The touch-screen is adjustable to accommodate voters in wheelchairs and ensure maximum voter privacy. AccuVote®-TSX works with a Sip & Puff device as well as a three-switch interface for voters with limited dexterity.



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ATTACHMENT 2

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U.S. REPRESENTATIVE IN CONGRE...  
[X] CAPTAIN CAVEMAN <REP>



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[X] BUGS BUNNY <DEM>  
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[X] DAFFY DUCK <DEM>  
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Tucson Unified School Distric...  
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[X] NO <NP>



## ATTACHMENT 3

### ES&S SECURITY QUESTIONS FOR VENDOR

*Revised 07/15/15*

Karen Schutte:

- My question was whether or not the communication software and hardware is installed regardless, since we are not using it. If yes, can we deactivate it?

Arnie Urken:

- ESS told us they hire an outside company to test security by trying to break into their system. I recall that they said that they employ the same company used by Lockheed Martin. What is the name of the company? Is such "red team" testing done continuously or periodically? Does it include social engineering as well as attempts to break encryption systems? How would ESS know if an encryption code had been broken? Does ESS monitor the social and financial activities of engineers and others who might be vulnerable to outside manipulation?
- How are updates handled to enhance security? What media and protocols are used to preserve code integrity?
- Does ESS collect systems performance metrics that include aggregated statistics by voter type (mail ballot, precinct number)? If these types of data are collected, does ESS destroy the data once users have completed an election? Are backups of election reports saved on disk or remotely that enable ESS to compare elections over time, say Pima County school elections or Presidential elections?
- Are users (voters or governments) protected by a statement of user rights? What happens if machine or system failure requires the County to rerun an election? Who pays? Does ESS hold or offer insurance to deal with system failures?
- How does ESS inform systems users about best practices, alerts, current challenges, and future security goals?
- How does ESS integrate ideas for security into product/service development?

Tom Ryan:

- Is it possible for a central count computer user (county employee) to modify the election database manually? If so, under what conditions? And is the action logged?
- What is the format of the election database? Is there any database file encryption? Other than the EMS, what software products would be capable of accessing the database?

Chris Cole:

- Can the memory card be programed by the local people and if so can votes be switched?

## Barbara Tellman's Comments on the Regulations Manual

### **Ch. 2 Qualification and Registration**

- 1) The section on Federal voters needs to be updated to latest court decisions.
- 2) Duplication of Fed Only ballots should be clarified in the Duplication Board section. In Chapter 11. The law should be clarified to indicate that duplication for this purpose is legitimate.
- 3) I question the provision that Fed Only voters may not provide proof of citizenship and still vote in the same election less than 29 days before the election. Voters may change residence, precinct and even district at the polling place and still vote. I do not see any provision in the law that prevents voters from changing their federal status during this period and still vote. The law should be updated.

### **Ch. 11. Central Count**

- 1) Ballot counting should not begin more than a week before Election Day and be scheduled to begin as late as possible and still count most of the early ballots by Election Day, in the judgment of the Elections Officer. With high volume tabulators, this estimate should include the rate of tabulation and estimated volume to be counted.
- 2) Duplication
  - 1) Are the procedures the same as those used by Pima County in the last election? I believe the county ones were more explicit in case of problems. I think they should also add the additional step that Pima County adopted of having a third party check the duplications for errors.
- 3) Snag Board

I think the responsibilities of the snag board should be clarified especially in the case of ballots not tabulated at the polling place, but to be tabulated at Central County. This snag board should be responsible for ensuring that the proper number of ballots has been received and accounted for. This board needs adequate training to ensure that accuracy is as high as possible before the ballots are sent for tabulation. Problems that became clear during the CD 2 recount should be cleared up if possible.
- 4) Use and storage of ballot images

With the influx of new equipment with imaging capabilities, a section should be added on use and storage of ballot images. Must they be stored with the ballots and not be available except under the same conditions as paper ballots? May they be used for hand counts? May they be used after the election is certified for evaluation and research purposes?

**Ch. 12 Hand Count**

1) Need a definition of "cast ballot." Is a ballot that is voted in the polling place a cast ballot for the purpose of the hand count?

If not, then no precinct polling place ballots are to be included in the hand count.

If so, since Pima County is not going to have ballot tabulators in the polling places, the hand count ends up not checking on the polling place devices, but on the central count device.

2) Counties using AutoMark count the ballots processed by the AutoMark, but what about other devices?

3) There should be a provision that precincts that have no voters or fewer than a given number (maybe 20) be eliminated from the precinct selection pool so that the count includes only precincts with meaningful numbers.

4) In the early ballot hand count, must the original ballots be used, or may images from the tabulator be used instead? Should they be compared? Law says the ballots must be sequestered. Should early ballot images be sequestered? Will the machines be capable of sequestering ballots during the tabulation?

5) It should be specified that the machine count total be kept secret from the people doing the hand count until the number of the machine and hand counts match. The auditors will only be told that they have not matched the machine number. This is the practice in Pima County. I do not see it in the manual. This is to avoid having the counters report the proper number rather than accurately verify it.

**Ch. 14 Terminology**

1) Need a definition of "cast ballot." Is a ballot that is voted in the polling place a cast ballot for the purpose of the hand count even if not tabulated there?

**Ch. 17 Certification of election equipment**

1) The law only requires that the equipment be tested by an EAC certified laboratory. The requirement that the equipment subsequently be certified by the EAC and have an EAC certification number appears to go beyond the law. Since the EAC has been barely functional in recent years, this has limited the number of available vendors. Laboratory certification should be sufficient.

2) I was unable to locate a section on experimental use of not fully certified equipment, as was apparently done in the Yavapai County situation in the last election. Since it appeared to be unclear to the EIC in recent times, I think this should be clarified, but do not see where to clarify it.

**Important Notice for the November 3, 2015 City of Tucson General Election**

The November 3, 2015 City General and Special Election will be conducted as a consolidated POLLING PLACE election with Pima County. **Pima County will administer the election.**

If you are NOT on the Permanent Early Voting List (PEVL), you will NOT automatically receive a ballot in the mail for the General Election.

**You have 3 options:**

- 1) Contact Pima County Recorder at <http://www.recorder.pima.gov/pevl.aspx> to be placed on the PEVL, or call 724-4330
- 2) Contact Pima County Recorder at <http://www.recorder.pima.gov/earlyreq.aspx> to request an Early Ballot, or call 724-4330
- 3) Vote at your designated polling place. See [http://www.recorder.pima.gov/voterweb/voter\\_info.aspx](http://www.recorder.pima.gov/voterweb/voter_info.aspx)

**BALLOTS WILL BE MAILED ON OR ABOUT OCTOBER 8TH FOR VOTERS ON THE PEVL**

**Aviso importante para la Elección General de la Ciudad de Tucson del 3 de noviembre del 2015**

La Elección Especial y General de la Ciudad del 3 de noviembre del 2015 será llevada a cabo como una elección de CENTRO DE VOTACION consolidado con el Condado de Pima. El Condado de Pima administrará la elección.

Si usted NO está en la Lista Permanente de Votación (PEVL), NO recibirá automáticamente una boleta en el correo para la Elección General.

**Tiene usted tres opciones:**

- 1) Póngase en contacto con la Oficina Catastral del Condado en <http://www.recorder.pima.gov/pevl.aspx> para ser puesto en la PEVL, o llame al 724-4330
- 2) Póngase en contacto con la Oficina Catastral del Condado en <http://www.recorder.pima.gov/earlyreq.aspx> para solicitar una Boleta Temprana, o llame al 724-4330
- 3) Vote en su centro de votación asignado. Vea [http://www.recorder.pima.gov/voterweb/voter\\_info.aspx](http://www.recorder.pima.gov/voterweb/voter_info.aspx)

**LOS ELECTORES EN LA PEVL LAS BOLETAS SERÁN ENVIADAS POR CORREO ALREDEDOR DEL 8 DE OCTUBRE A**



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# MEMORANDUM

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Date: April 13, 2012

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

From: C.H. Huckelberry  
County Administrator 

Re: **Increased Election Costs**

In 2012, it is likely the County will spend approximately \$10 million conducting elections, which will be unreimbursed.

The Presidential Preference Election (PPE) that occurred on February 28, 2012 cost the Elections Department \$711,572 and the Recorder \$405,000, for a total cost of \$1,227,812. Only \$581,540 will be reimbursed. In this election, 77,314 thousand votes were cast, which means the cost of conducting this election was approximately \$16 per vote cast.

A special congressional election will be held with a primary occurring on April 17 and a general election on June 12 to fill the vacated seat in Congressional District Eight. The cost of both the primary and general election is estimated to be \$1,112,000 for the Elections Department plus an estimated \$800,000 for the Recorder, for a total of \$1,912,000, all of which is unreimbursed and unbudgeted.

In the fall of 2012, the regular Primary and General Elections will be held, which are now budgeted in Fiscal Year 2012/13 for approximately \$5.1 million.

The cost of conducting elections has soared in the last 10 years. In 2000, the primary and general election cost was \$2.5 million; in 2008, this cost increased to \$5.5 million. Given the occurrence of a PPE, special congressional election and general election in 2012, it is likely County costs for conducting these elections will be nearly \$10 million.

To contrast this cost with other service delivery costs of the County, these elections will occur on five specific calendar days within 2012. The cost to operate the Natural Resources, Parks and Recreation Department for an entire year is approximately \$13.8 million.

The trend from poll voting to early voting is shifting rapidly. In the General Election of 2000, 30 percent of the total votes cast were through early voting. By the General

The Honorable Chairman and Members, Pima County Board of Supervisors  
**Re: Increased Election Costs**  
April 13, 2012  
Page 2

Election of 2010, this amount had increased to 63 percent of the total votes cast. For the PPE, more than 72 percent of the ballots cast were through early voting.

Many cities and towns throughout the State have gone to all mail elections. Recently, the City of Tucson conducted their election of November 7, 2011 through all mail balloting.

It is increasingly clear the high cost of conducting elections is reducing the County's ability to provide other essential and basic services, such as park maintenance, highway maintenance and law enforcement. It is appropriate to begin an evaluation of alternative and less costly methods of conducting elections.

I will ask the Election Integrity Commission (EIC) Chair to determine if the EIC is willing to address this matter and if any of the election processes and ballot counting proposals under consideration would support countywide all-mail balloting with ballots scanned for security and election integrity purposes.

CHH/mjk

c: The Honorable F. Ann Rodriguez, Pima County Recorder  
Brad Nelson, Elections Director  
Dr. John Moffatt, Director, Strategic Planning Office  
Charles Geoffrion, Chair, Election Integrity Commission  
Arnold Urken, Member, Election Integrity Commission

**ELECTION INTEGRITY COMMISSION**  
Pima County, Arizona

TO: Honorable Chair and Members  
Pima County Board of Supervisors

FROM: Tom Ryan, Chair   
Election Integrity Commission

DATE: April 17, 2015

RE: Recommendation to Use Ballot Images to Enhance Early Ballot Audit

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The Pima County Election Integrity Commission (EIC) recommends that the Board direct the County Elections Department to conduct a **Pilot Study** on the use of ballot images to enhance the integrity of the post-election hand count for early ballots. Ballot images will be available in future elections with the recently purchased central count tabulation equipment. This will make it possible to hand count early ballots from selected precincts in the same manner as the hand count of precinct-cast ballots. Ideally, the pilot study would be conducted as part of a relatively uncomplicated election such as the 2016 Presidential Preference Election in which there is a small number of races and ballot styles.

**Why? The Current Early Ballot Audit is Insufficient.**

The existing procedure for hand count of early (mailed) ballots differs significantly from that of precinct-cast ballots. For precinct-cast ballots, the audit is "end-to-end," meaning that the hand count tally for the audited races can be compared to figures that appear in the final canvass, or Statement of Votes Cast. In contrast, the hand count of early ballots, which make up more than 70% of the ballots, is done on batches of mixed-precinct ballots and produces tallies that do not appear in any official election results. The result is that the existing early ballot audit only confirms that ballot batches are correctly scanned, but all subsequent data processing, including accumulation of batch totals, sorting and reporting of results, is ignored and remains unaudited. This is a significant shortcoming. The pilot study will evaluate a procedure that would make the early ballot audit equivalent to the precinct-cast ballot audit.

**How? Our New Tabulation Equipment Provides the Technology to Improve Our Election Audits.**

The recently purchased ES&S central count tabulation system includes the capability to create digital images of each and every paper ballot. Once all the ballots are scanned, the database of ballot images can be sorted, by software, into precincts or voting areas. The ballot images associated with selected precincts can then be printed. These printed images can then serve as proxies for the actual paper ballots and can be hand counted in the same manner currently used for the precinct-cast ballots. In order to conduct the same type of audit with actual paper ballots, the ballots would have to be physically sorted by precinct, a labor-intensive job that election officials have been unwilling to do. The ballot images make it possible to avoid physical sorting.

Honorable Chair and Members  
Pima County Board of Supervisors  
April 17, 2015  
Page 2

### **What? A Pilot Study to Evaluate the Use of Digital Images of Ballots in Election Auditing**

The Commission recommends the implementation of a pilot study that will use digital images of ballots as input to the hand count of early ballots. For the study, this would be done in addition to the existing procedures specified in A.R.S. §16-602. The study will produce a report that will contain recommendations as to the efficacy of the approach. Our hope is that the use of ballot images can eventually replace the current early ballot batch method that requires interruption of the central count process to select random audit batches. It may even be possible that all of the auditing could be done with ballot images.

### **Cost? Minimal**

The cost for the pilot study is only the cost of printing the ballot images for a few precincts. The paid hand counters will require some additional time for the study, but since they receive a flat daily rate of pay, there will be no additional cost to the County for their labor. We also recommend conducting the pilot study during a relatively simple election, such as the Presidential Preference Election, in which there is a small number of races and a small number of ballot styles. This will keep the auditing time to a minimum.

### **Better Audits and Less Handling of Paper Ballots**

If the study is successful, the Commission will recommend a change in state law that would explicitly allow the use of ballot images in election hand counts *as an option* to the current methods specified in statute. Any county with the enabling technology could take advantage of the option to use digital images for auditing. We do not believe that there are any legal barriers to this pilot study. It is simply an enhancement of the existing audit process, and Pima County already goes beyond the legal requirements and enhances the audit by adding additional precincts to the hand count. Eventually, the use of ballot images for auditing will reduce or eliminate ballot handling and chain of custody concerns associated with the hand count audit.

### **Summary**

The proposed use of ballot images for auditing has three potential benefits:

- The early ballot audit will be end-to-end, consistent with the audit of precinct-cast ballots.
- The selection of random early ballot batches, which occurs as early ballots are scanned, could eventually be eliminated.
- Conducting hand counts with printed images would eliminate additional handling of paper ballots currently required to support audits.

A pilot study is needed to validate the efficacy of the proposed auditing process, and identify any potential roadblocks. The EIC sincerely hopes that the Board will accept this recommendation.

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 ~~2~~ **1** ~~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 ~~3~~ **2** ~~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 ~~4~~ **3** ~~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 ~~5~~ **4** **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 ~~by appointment~~ 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 s~~Submit the Annual Report ~~to the Pima County Board of Supervisors.~~

Section 2 The Vice Chair shall:

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

#### 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 2 ~~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 4 ~~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 23 ~~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:

- a. 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.
- b. ~~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.**
- c. 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 XIII#V  
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