



MEMORANDUM

Date: April 3, 2008

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

From: C.H. Huckelberry
County Administrator

A handwritten signature in black ink, appearing to be "CHH", is written over the printed name "C.H. Huckelberry".

Re: Election Procedures and Security

On October 19, 2007, I compiled a report and directed it to the Board, indicating that the County was prepared to make a number of security-related modifications to our election procedures. In that report I indicated that the Elections Division would hold four public meetings at different locations in the community to gather public input. In addition, the October 19 report was posted on the County's web page, with an invitation to the public to review and comment directly on the report. The comment period closed January 31, 2008. In a memorandum to the Board dated February 13, 2008, I forwarded all comments received on the web page regarding the October 19 report as well as transcripts of all public comments made at the various public meetings. (To avoid any misinterpretation of the comments made at the public meetings, a court reporter was present and transcribed the proceedings.) These reports are posted and available on the County web page.

As you know, the County also has been involved in litigation in Superior Court regarding the Democratic Party of Pima County's request for the disclosure of 1,156 electronic databases and imbedded programs that the County believes are not public records. A trial on the merits lasting four days occurred in Superior Court in early December 2007. Judge Michael Miller issued an Order of the Court following the conclusion of the trial. The Order is included as Attachment 1. In essence, Judge Miller ordered the release of two database files -- the final databases for the 2006 Primary and General elections. On January 8, 2008, the Board directed staff and counsel not to appeal the decision of the Superior Court, and to release all database files (i.e., not just the final database files) for the May 2006 RTA Election, as well as for the 2006 Primary and General elections. On January 11, 2008, a total of 308 computer files were released to each recognized political party in Pima County in accordance with protocols established by Pima County and approved by the Court.

County management, technical, and Elections staff continue to believe that the release of this information reduces the security of future election operations. Thus, the final recommendations contained in this report will also be tailored to reducing the potential security risk resulting from the release of these databases and their imbedded programming.

Summary of Litigation with the Democratic Party

As noted above, Pima County has tried for the past year to protect the sensitive computer records utilized by the electronic vote-tabulating equipment used in Pima County from public disclosure. Because the County's decision to protect the confidentiality of these files was the subject of a lawsuit filed by the Democratic Party, and consistent with rules limiting pretrial publicity, we have refrained from commenting on the case publicly while it was pending.

Now that Judge Michael Miller has rendered his preliminary decision in the lawsuit, it is appropriate to explain why the County felt it was important to maintain the confidentiality of election computer files, and also to explain why pretrial allegations of misconduct by Division of Elections staff are entirely unfounded. The substance of that explanation follows.

A. Background

Pima County has used computers to tabulate its elections for thirty years. Early computer election systems relied on punch cards that were counted downtown on punch card tabulators. The voter then used a stylus to punch out the "chad" that corresponded to the candidate or ballot measure selected by the voter. In 1996, four years prior to the well-known Florida debacle in the 2000 election, the County Recorder requested that Pima County move away from the antiquated punch card ballot counting system. It was decided at that time and in agreement with the Division of Elections, to try the new type of paper ballot wherein a voter fills in ovals to select their candidates and issues, which would be counted by an optical-scan ballot voting device. The Recorder decided to order five optical-scan voting devices made by Global Elections Systems, Inc. to process only early ballots as a start to see if the voters in Pima County liked this new method of voting. This new method has proven to be so successful that the County converted its entire electronic voting system to the Global system (Global subsequently was purchased by Diebold, and Diebold now is known as Premier). The Global system, which remains in use in Pima County, requires the voter to fill in ovals on a paper ballot. The paper ballot is inserted into an optical-scan device attached to a ballot box. If the ballot shows an "overvote" (votes for more than the allowed number of candidates) it is ejected from the machine in order to give the voter the opportunity to check the ballot easily before it is counted and deposited into the ballot box.

Prior to each election, the staff of the Division of Elections uses the Global Elections Management System ("GEMS") software to "program the election" into a database file. As was testified to at the trial, this is no easy task. Due to multiple overlapping election districts, the ballots for each of the County's more than four hundred precincts can vary depending on the offices that are subject to the upcoming election in each precinct. (For example, Elections Division staff needed to create more than 1,600 separate ballot styles for the 2006 Primary Election.) Once the ballot styles are programmed into the database

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for that election, Division of Elections staff goes through extensive testing of each ballot for each precinct to ensure that the proper races are included on the ballot for that precinct and that they will be counted correctly. After Elections staff determines that the database is functioning properly for the upcoming election, the Secretary of State and observers for each political party conduct a "Logic and Accuracy" test to ensure that all the votes will be counted correctly.¹ (In addition, Pima County takes the extra step of giving hundreds of test ballots to the political parties to mark and then run through the central tabulating computer to test the database further and ensure that all races and ballot measures are counted correctly.) After this testing is completed, information in the election database is used to program the memory cards used by each of the optical-scan and touchscreen voting devices to be used in each corresponding precinct.²

B. Issues Presented in the Current Litigation

The Help America Vote Act, or "HAVA," passed by Congress in the wake of the 2000 Presidential election, mandated that the County have voting machines that can be used by voters with disabilities. The Secretary of State was allocated funding by the Federal Government for the purchase of touchscreen voting devices for the entire state. The Secretary of State was responsible for the bid and awarding of the contract. The Board of Supervisors then had no choice but to approve the purchase and use of touchscreen voting devices, which, along with the optical-scan machines, were used in the 2006 Primary and General elections. Due to security concerns regarding the use of these new voting machines, Pima County implemented a number of procedures designed both to remedy those security issues and to improve the security, oversight, and transparency of the elections process as a whole in Pima County. These procedures were developed based upon suggestions made both by members of the Pima County Democratic Party and by Dr. John Moffatt of the Office of Strategic Planning, working with Brad Nelson, the Director of the Division of Elections. (It should be noted that Brad Nelson's skills as an elections director are well-respected among his fellow county election directors.) As a result of this cooperative effort, Pima County has established some of the most secure procedures in the nation for protecting the integrity of elections.

¹ At the conclusion of the election, a second Logic and Accuracy Test is run under observation of the political parties to ensure that the election programs still operate properly and were not modified in any way during the vote-counting process.

² As if this detailed procedure were not sufficient already to ensure the accuracy of the vote count, in 2006, the Legislature made a significant change to state law by mandating that random samples of ballots from early voting and from precincts be counted by hand, with the results compared to the computer count. The statute requires the County to conduct a hand count of at least two percent of the precincts, and also to conduct a hand count of either one percent of the early ballots or five thousand early ballots, whichever is less.

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Then, in December of 2006, the Democratic Party requested ten classes of documents and electronic computer files under Arizona's Public Records Law (similar to the Federal Freedom of Information Act). The County complied with nine of the ten requests, and produced substantial amounts of documents and granted the Democratic Party unprecedented access to the electronic computer logs of past elections. To our knowledge, no other jurisdiction has provided this level of access to its elections records.

However, for election security reasons, the County chose not to grant the Democratic Party's request for copies of all past election databases. Notwithstanding the County's substantial cooperation with the Democratic Party in all of these other areas, the Party sued the County in Pima County Superior Court to obtain the confidential computer records.

There were three issues in the lawsuit. The first issue was whether the databases really were public records, subject to the general disclosure requirements of the Public Records Law. The second issue was whether any specific statute precluded the disclosure of the election databases even if they were deemed to be public records. The third issue was whether, if the databases were found to be public records and no statute precluded their disclosure, the databases were so sensitive that their release was not in the "best interests of the state." Because the County chose to keep the election databases confidential, it bore the burden of proof with respect to the second and third of these issues.

At trial, the County produced evidence that the databases requested by the Democratic Party were necessary, obviously, to process the elections for which those databases were created. The County contended that this evidence rendered the requested databases "computer programs" for purposes of an Arizona statute that makes such materials confidential and therefore not subject to the Public Records Law. The County also produced evidence that the release of the election databases requested by the Democratic Party could present known and unknown security threats to future elections. Based on this evidence, the County contended, and still believes, that the release of the databases from all past elections is not in the best interests of the state, and therefore that the databases should not be released.

Although Judge Miller did not agree with the County's view that the requested files are confidential under the applicable statute, he did find that unrestricted disclosure of the databases would threaten the security of future elections. Equally important, and in spite of the plaintiff's attorney's pretrial assertions in the press and to the Attorney General, Judge Miller made no findings of improper conduct by Division of Elections employees. Indeed, the evidence at trial flatly disproved the allegations of wrongdoing, including the allegation that the results of early voting had been released prematurely in previous elections, and the allegation that the computerized records from the 2006 RTA Election

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were missing. (With regard to the former allegation, Division of Elections employees never have distributed election results to anyone prior to the time allowed by law; with respect to the RTA Election, the electronic records are available on the Elections Division computer, and the Attorney General had access to them during his investigation -- which investigation also found no wrongdoing on the part of County elections officials.)

Ironically, Judge Miller found that the County's substantial previous efforts to improve election security partially reduced the significant risk posed by the release of the confidential databases to the Democratic Party. Nevertheless, he also recognized that there remain serious threats to the election system associated with the unlimited release of such databases. Therefore, Judge Miller allowed the plaintiff access only to the final databases for the 2006 Primary and General elections. These files represent just two of more than eleven hundred files that the Democratic Party requested. The Court found that, with respect to these two races only, the Democratic Party's interest in overseeing the elections process outweighed the County's concern for election security. The Court also ruled, however, that unlimited access to the databases of other elections (past and present) would pose an unwarranted risk at this time and restricted access to those databases.

In summary, the judge recognized the County's legitimate interest in protecting the security of future elections by restricting unlimited access to its computer election databases. While ordering the release of the databases for the 2006 Primary and General elections, the Court rejected the Democratic Party's request for the databases of other past elections.

C. Current Status

The Board's January 8 order to release additional election databases and imbedded programming goes beyond the Order of the Court and, as stated previously, potentially reduces the security of future elections in the opinion of management as well as technical and Elections staff. This was by far the largest release of election information in the United States in the history of electronic voting.

But even with this substantial release of additional information, the Democratic Party, through its attorney, Bill Risner, continues to insist upon the release of yet more information. Mr. Risner and the Democratic Party have filed a motion with the Court requesting that the Judge amend the findings of fact and conclusions of law or hold a new trial, and another, improper motion requesting that all past and future election information be released in spite of the Court's findings. (This latter motion requests the release of all past election database files even while admitting that the Democratic Party has not analyzed the files already released -- which analysis is what they cited as the primary purpose behind the lawsuit and which the Judge's order required.)

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The release of this additional information would jeopardize further the security of future elections in Pima County and other Arizona counties. Moreover, it would result in the release of election information for a number of third parties for which Pima County operates elections, including the Pascua Yaqui Nation, various towns and cities, unions, and the University of Arizona.

Judge Miller has scheduled a hearing for April 21, 2008, to address both of the plaintiff's motions, and also to address the question -- never previously considered by the court -- of when (if ever) databases for future elections should be disclosed. Judge Miller has said that each side may submit the sworn testimony of up to three expert witnesses in support of its position with respect to these matters. The County, therefore, will present testimony showing that the further release of confidential election information, particularly for future elections, will degrade further the security of the elections process in Pima County, in Arizona, and nationwide.

D. Attorneys' Fees

The Democratic Party also has requested reimbursement for a total of \$279,907.17 in fees allegedly incurred in the litigation. The response that we have filed with the Court shows that they are not entitled to reimbursement of any of their fees. In addition, we have submitted specific objections to approximately \$127,000 of the claimed fees (approximately \$117,500 in attorneys' fees and approximately \$9,500 in "paralegal" fees).

Out of the \$127,000 that we have objected to, the Democratic Party has conceded that \$37,282.50 in fees were not valid -- Mr. Risner simply tried to pass them off as having been earned in this case, when, in fact, they actually were incurred in other matters.

Mr. Risner also has demanded reimbursement for fees improperly based upon vague billings, including, surprisingly, several hours allegedly expended by him on a specific date where there literally is no attorney activity listed. In addition, Mr. Risner wants to be paid for talking to the press about this case. The Democratic Party has failed completely to respond to these specific objections made by Pima County regarding fees.

Pima County also has objected to the Democratic Party's demand that Jim March be compensated as a paralegal, which is not permitted under Arizona law.

Finally, Pima County has objected to many thousands of dollars in claimed fees based upon time that Mr. Risner wasted by pursuing irrelevant and meaningless matters not related to the actual issues in the case.

Judge Miller has allowed Mr. Risner to submit a revised fee request, thus giving him the opportunity to correct the previous attempt and remove the false claims that it contained. At the same time, however, Mr. Risner will be required to provide the County with all of the relevant paper and computer records allegedly supporting his claim for fees. The County received these materials on or before March 28, 2008, and is attempting to analyze the materials provided.

False Allegations of Wrongdoing by Elections Personnel

During the trial and in a few depositions, as well as in numerous press interviews, Mr. Risner alleged wrongdoing by a number of County Elections staff. These rumors and allegations were intended simply to discredit the Pima County Division of Elections. Through an Attorney General's investigation, through depositions (which are all available for public and Board review), and through four days of trial, these allegations were proven false, as shown below.

A. The Allegation That an Elections Employee Reprogrammed or Altered the Tabulating Database And/or Programs to "Flip" the RTA Election.

The process used in the RTA Election included the standard tests whereby sample decks of ballots are processed after all programming is complete and again after the votes are counted. This process is mandated by Arizona law and used widely throughout the country to ensure that election programming is performing as expected prior to and following an election. Subsequently, through a number of different tests, *iBeta*, LLC, which was retained by the Attorney General to conduct a forensic investigation of the County's elections computers, found no difference in the database structures and programming content across the entire series of files for the RTA Election. This thoroughly disproves the allegation that the database for the RTA Election was tampered with.

B. The Allegation That, During the RTA Election, an Elections Employee Ran Tabulations of Early Voting Results and Released Those Results to Benefit or Give an Advantage to a Contested Race or Proposition.

As was stated in my report to the Board of October 19, 2007, the Elections staff member in question used what is known as a "Summary Report," rather than a "Cards Cast Report" on a number of occasions over several years. The Summary Report was used due to the simplicity and ease with which it allowed Elections staff to determine the number of ballots tabulated through the computer, and to compare that number to the number of early ballots received from the Recorder's Office. The Attorney General's investigation found nothing to substantiate the allegation that information from any Summary Report was released in order to alter the outcome of an election, and the testimony at trial also confirmed the falsity of that accusation.

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C. The Allegation That, Again for the RTA Election, an Elections Staff Member Took Home Databases Containing Live Election Results and Altered Them to Change the Tally Following the First Day of Early Voting.

The allegation that County personnel took election databases home arose initially from a misunderstanding (whether intentional or unintentional) of County methods and procedures for backing up information and data, which methods and procedures have varied significantly over the last decade or more. Prior to 1999, the Elections Division did not have a fireproof safe in which it could secure electronic election information. Therefore, Bryan Crane (the Elections Information Technology Manager), took it upon himself to take databases home for offsite backup and safekeeping. This stopped in 1999 -- more than eight years ago -- when the Division of Elections obtained a secure storage area.

Mr. Crane did take home other computer files as well, but those files contained administrative data -- not elections databases or anything else associated with the tabulation of elections; Mr. Crane's job as the Information Technology Manager for the Division of Elections required him to provide offsite backup of such things as word processing documents, temporary staff time records, etc. Mr. Crane, in taking the administrative data home, was acting appropriately and conscientiously to discharge his duty to secure the Division's information technology systems and provide for disaster recovery. Further, Mr. Crane stopped taking this data home when the County was able to begin providing daily backup systems for this routine administrative activity in June 2006. (The County's lack of information technology backup and disaster recovery systems was a significant exception noted in the 2004 and 2005 County audit by the Auditor General.) Obviously, the Attorney General investigated this matter as well, and concluded that Mr. Crane acted appropriately.

D. The Allegation That the Presence of Japanese Font Files with the Same Creation Date as the First RTA Election Database File Indicated Tampering with the Division of Elections Computer.

One of the more far-fetched conspiracy theories to be put forward by the Democratic Party of Pima County was that the appearance of Japanese font files on the elections computer indicated that someone had tampered with the RTA Election. However, this alleged "problem" was solved easily by checking the download site for the company that provides graphics files as a part of the GEMS election software. As it turns out, the GEMS software contains Japanese fonts (and fonts for many other languages) because the GEMS system is used around the world. The files in question (including their creation date) were legitimate font files that had been downloaded by the vendor when the latest certified version of GEMS was created. This was verified with less than one minute's effort, and thoroughly discredited both the theory and the "experts" who came up with it.

E. The Allegation That the County Purposely Discarded the Backup Tape of the RTA Election That Had Been Filed with the Secretary of State.

Records and documentation clearly indicate that the County transmitted the backup tape containing the database for the RTA Election to the Secretary of State, as is required by law. The Secretary of State subsequently returned a number of election tapes, including election tapes from other jurisdictions, to the Pima County Recorder's Office (but not to the Division of Elections, as was required). The Recorder's Office forwarded all of the contents mistakenly sent to them to the Division of Elections. There is no reliable evidence relating to whether the RTA tape was among the materials returned by the Secretary of State. In fact, there is no reason to believe that the tape was not lost by the Secretary of State, which is what we believe to be the case.³ In any event, as noted above in Paragraph A, *iBeta*, LLC, reviewed a forensic version of the original hard drive from which the Secretary of State's backup tape was made, and found no evidence of tampering. The data that was placed onto the backup tape is still available and was a part of the information turned over to the parties on January 11, 2008. It was never lost as reported in the newspapers.

F. The Allegation That the Investigation of the RTA Election Databases by *iBeta* Was Compromised by John Moffatt.

Dr. Moffatt worked independently to investigate the allegations made about the RTA Election, and corresponded with senior Diebold technical management to identify elements in the GEMS database that could be tested to indicate whether the programming and/or parameters in the database had been altered during that election. Based on this information, together with expertise that he had gained through the development of testing procedures in collaboration with the Democratic Party's election integrity team in other contexts, Dr. Moffatt was able to suggest some additional tests that the *iBeta* technicians could perform in order to validate further the integrity of the RTA database. Unfortunately, Dr. Moffatt's diligence led to the false allegation that he, Moffatt, had tampered with the information provided to the Attorney General and *iBeta*, and/or had misled the *iBeta* investigators as to how to test for these problems. It should have been obvious to those making these false allegations, however, that it was up to the *iBeta* technicians whether it was appropriate to perform these tests in addition to their own investigative procedures. (Interestingly, the Democratic Party Election Integrity Committee now has come forward with a similar plan of their own for testing the integrity of the databases throughout an election. We will continue to work cooperatively with that group to improve this process.) It should be noted that *iBeta* is a federally accredited Voting System Test Laboratory recommended by the National Institute of Science and Technology (NIST) with an excellent track record for independent software assurance testing.

³ The statute that required tapes to be returned has been amended and the Secretary of State will destroy the databases rather than returning them in the future.

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G. The Allegation That Pima County Had a Vested Interest in Manipulating the Outcome of the RTA Election.

The County had no more interest in the outcome of the RTA Election than did any other affected jurisdiction. In fact, an analysis of the benefits of the RTA would show that the primary financial beneficiary is the City of Tucson. The County, based on its transportation obligations in the unincorporated areas of Pima County, receives substantially less on a per-capita basis than do other jurisdictions, including the City of Tucson. Hence, the County had comparatively little to gain from the RTA Election; the County stood to gain only from the general improvement in transportation mobility realized from the approval of the RTA, nothing more. In any event, the election results were not manipulated.

Concerns Moving Forward

Security for the electoral process is extremely demanding. The more we research the vulnerability of voting systems, the more we are convinced that our steps to increase security and protect the critical voting infrastructure are appropriate. Balancing the demands for complete transparency by those that stand to gain the most from inside knowledge of voting systems against the mandated responsibilities to plan and operate an election without compromise requires extreme diligence on the part of Pima County as well as the political parties. There is no simple solution, but we must maintain the integrity of the process as our most important goal as we move forward.

The County's primary objection to the release of the databases always has been the risk to future elections -- not only in Pima County, but elsewhere as well -- resulting from the widespread release of the databases' coding structure, report formatting, ballot formatting, and overall data content. During discussions surrounding Pima County's acquisition of the touchscreen voting machines in the summer of 2006, Jim March, who identifies his profession as "activist," provided the Board with a compact disk containing a fifteen-minute video with explicit instructions as to how to modify a Diebold elections database. A link to this "GEMS Hack Video" can be seen at the following internet location: http://electiondefensealliance.org/traceless_gems_central_tabulator_hack_walkthrough_15_mins

Intimate knowledge of how elections databases work and where the programming and the vote tallies are stored would make it very simple for someone with access to an elections server to perform "hacks" of this type or to impact election results in other ways. (This is true on a national and international basis, inasmuch as the GEMS system is used across the United States and in many foreign countries, as well as in twelve Arizona counties.) Unfortunately, the Democratic Party Election Integrity Committee has indicated on numerous occasions that, once received, the Pima County elections databases would be distributed widely over the internet for all to see, which will help anyone gain precisely this type of intimate knowledge.

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Moreover, because eleven other counties in Arizona use the same software that Pima County uses, this widespread disclosure of the Pima County databases is particularly problematic, especially because many of the smaller counties cannot afford the security measures instituted by Pima County to mitigate this breach of security. In fact, a recent letter from Secretary of State Janice Brewer praised the Pima County Elections Department and complimented the measures taken to increase security in Pima County, but lamented that most counties could not afford to implement comparable procedures. John Brakey, one of the Democratic Party activists, posted a number of comments on the "Blog for Arizona" website on January 13, 2008. He started by saying that "Santa Cruz County is a real mess!" He then went on to say that "[t]he recorder and the election department is a hack waiting to happen."

Thus, while the Democratic Party maintained during the trial that there was no real risk that an election might be hacked, they have been extremely vocal about this risk both before and after the trial. Therefore, as shown in the October 19, 2007 plan, we will continue to increase the number of cross-checks and control processes in Pima County to minimize hackers' ability to modify the elections databases, but other counties will be at increased risk.

Another major concern is that members of the Democratic Party Election Integrity Committee possess unauthorized copies of the actual GEMS software. Having this software allows a recipient of the databases to program elections, print ballots, program memory cards for insertion into the optical-scan and touchscreen machines, and print reports. (Within seconds after obtaining the databases from Pima County on January 11, 2008, Jim March exclaimed that he had "cracked" the RTA Election database using his older version of the GEMS program.)

The National Institute of Science and Technology offers a series of papers related to election threats. One of several papers authored by Douglas W. Jones, who is considered by some to be an election integrity activist, is called "Threats to Voting Systems" and identifies a number of threats, both technical and operational. Some basic comments in the paper regarding ballot manipulation involve ballot-box stuffing, ballot alteration, and substitution of counterfeit ballots, all of which can be done using the standard fonts, text, and timing marks contained in the databases released by Pima County together with the GEMS software. It is actually possible to use the GEMS software and a laser printer to print a ballot that can be successfully scanned in a voting system. It is also possible to alter the ballot in such a manner that a properly programmed precinct or central count scanner would credit a mark for one candidate to another candidate. This is strictly a function of the ballot controls printed on the ballot and is a major risk with the GEMS program available on the internet.

With the release of this critical information, it has become necessary for Pima County to develop measures to make it harder to create counterfeit ballots that can be substituted at the polling places and during early voting, and the County will need to redouble our efforts and spend additional staff time changing internal control codes and ensuring control over the memory cards.

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Even the Democratic Party's own expert witnesses have confirmed that releasing databases to the public poses a security threat. In particular, Dr. Thomas Ryan testified at trial to the fact that a database file released immediately after the close of voting for a particular election could be used, among other things, to create false election results different than the official results. This testimony was consistent with Dr. Ryan's deposition testimony, in which he testified that a database file released immediately after an election could be manipulated in such a way as to cause at least initial uncertainty as to the validity of the official results. Moreover, Dr. Ryan further testified in deposition that an election database should not be disclosed prior to the official canvass of the election. Similarly, Plaintiff's expert Mickey Duniho, in Judge Miller's words, "confirmed that the risk of novel attacks on computer systems is an ever-present threat," while Dr. Ryan confirmed that it is important for elections officials to exercise rigorous election-security procedures in order to mitigate known and unknown vulnerabilities in their elections computer programs. Thus, it is clear that Pima County needs to protect the confidentiality of its confidential election computer records.

In this regard, it is important to note that Judge Miller's order did not limit the release of the databases to political parties only; anyone with an interest in analyzing or hacking an election or manipulating election results can gain access to the same databases, and they can download unauthorized GEMS software from the internet. This increases the risk that individuals with inappropriate objectives can insert false ballots or data, possibly undetected, into the election process at multiple levels of operations, including at the precinct level. In order to address this issue, it is likely that we will need to expand the background and security checks for all poll workers. We will also be expanding the chain-of-custody training and procedures related to ballots.

In summary, the release of the database information will require us to address security issues related to: A) ballot counterfeiting; B) detection and prediction of candidate ballot rotation; C) manipulation of individual ballot-scanning memory cards; and D) validating that programming and control logic in the GEMS database have not been altered during an election.

Secretary of State Issues

On April 27, 2007, the County, concerned that the litigation involving the release of computer databases and programs would have statewide implications, particularly for the other counties using the same software and systems for election tabulation, delivered a white paper entitled *Issues Related to Release of the Diebold GEMS Database in Response to Public Records Request* to the Secretary of State's Office. On May 1, 2007, I wrote to the Secretary of State, asking that her office become involved in the litigation (Attachment 2). The Secretary of State declined.

I also have transmitted a copy of the October 19, 2007, report to the Board regarding elections security to the Secretary of State. The Secretary of State responded by letter on January 11, 2008, a copy of which is Attachment 3. In her letter, the Secretary of State concludes, on page 3:

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"I note also that the security weaknesses identified by the Attorney General in his report were identified long ago by my office and are reflected in other studies. I have been working to address these concerns for several years and will continue to review, evaluate and propose reform in the area of election security in Arizona."

We are anxious to learn of any proposed reforms by the Secretary of State in this area, as we believe additional reforms are necessary, including revision of the Elections Procedure Manual and adoption of the Board's proposal to scan and post all ballots cast in future elections on the internet. As you know, the Secretary of State, in a letter dated January 17, 2008, objected to implementation of this election safeguard (Attachment 4). However, Senate Bill 1395, introduced this legislative session, will, if passed, create an option for this procedure. Though the outcome of this legislation is unknown at this point, we are hopeful that the Secretary's continuing "to review, evaluate and propose reform in the area of election security in Arizona" will include supporting these amendments to A.R.S. § 16-621.

On March 17, 2008, the County received another letter from the Secretary of State regarding the release of test ballots to political parties (Attachment 5). This letter admonished the County for releasing test ballots to the political parties on the basis that such ballots could be reproduced or counterfeited and therefore that this policy endangers election integrity. On March 28, 2008, the County responded to the Secretary of State's concerns (Attachment 6), admitting that for a variety of reasons, primarily including our knowledge now that the GEMS tabulating software is readily available on the internet, and the fact that we have released election databases increasing election vulnerability to counterfeiting, the County agrees with the Secretary of State that this procedure increases the risks of ballot counterfeiting, and we will not, in the future, allow test ballots to leave the custody of Election officials. A further recommendation regarding countermeasures for ballot counterfeiting is contained in the recommendations at the end of this memorandum.

Information Not Provided by Various Individuals Associated with the Democratic Party in Violation of Their Agreement to Do So

Through the numerous conversations between and among staff -- primarily Dr. John Moffatt -- and members of the Democratic Party's Election Integrity Committee, an exchange of information has been agreed to. The County, of course, has provided considerable information to the Committee. The Committee, however, has failed to provide a number of items that it agreed to provide in response to County requests. This information is described below.

1. An audit report on the Pima County election process conducted by Jim March and John Brakey.
2. An audit report of election processing in other Arizona counties created as a result of site visits to the other counties conducted by Jim March and John Brakey.

3. A copy of the elections manual developed by Mickey Duniho and others for the Democratic Party Chair in each Arizona county.
4. A specifications document for a program being developed to analyze the series of GEMS databases released to the Democratic Party. Mr. March indicated, on January 8, 2008, that the specifications would be delivered that day. They are yet to be received.

Fiscal Issues Related to Elections

Conducting elections is becoming a much more expensive proposition than it was in the past. Below is a table of costs incurred by General Election since 2000.

<u>Year</u>	<u>Recorder's Office</u>	<u>Elections Division</u>	<u>Total</u>
2000	\$ 685,824	\$1,837,616	\$2,523,440
2002	675,763	1,690,192	2,365,955
2004	773,462	2,126,777	2,900,239
2006	884,117	2,869,474	3,753,591
2008	1,848,367	3,628,500	5,476,867

These cost increases reflect a substantial increase in the number of citizens using vote-by-mail ballots. In 2000, votes cast by mail represented only 40 percent of the total votes cast. By 2006 this had increased to 52 percent, and by 2008 it is anticipated that as many as 60 percent of the total votes cast will be votes-by-mail. During the last Arizona State Legislative Session, state law was passed to allow voters to be placed on a Permanent Early Voting List. The Recorder's Office is in the process of mailing these notices out. If the pattern follows other counties that have completed their notice, Pima County will have over 150,000 voters signing up to be placed on the early ballot mailing lists. Vote-by-mail costs are borne mostly by the Recorder's Office through the Voter Registration Division. Elections Division costs are also increasing.

The \$700,000 increase in the Election budget for conducting the 2008 General Election is attributed to:

- A. \$300,000 for, quite probably, a larger ballot and different ballot style associated with perhaps a two-page ballot;
- B. \$272,000 associated with the employment of two additional poll workers (from six to eight) at each polling place. This increase in poll workers is needed to facilitate anticipated large polling place turnouts anticipated in the November 2008 General Election.
- C. \$130,000 for enhanced and improved poll worker training actions.

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As indicated in the table above, the cost of conducting early balloting has increased dramatically. This is because of several issues. The first is the continuing shift of total voting to early ballots. It is estimated by the Recorder that early balloting for the 2008 General Election may equal 300,000. This is a continuing and significant increase in early balloting over past elections. Furthermore, because of the continuing complexity of early balloting, the sheer volume of work required and the lack of a single secured location of sufficient size and equipment to perform the mailing out of a high volume of ballots, the Recorder has deemed it necessary to move forward with contracting for the assembly and mailing services. It should be noted that processing of all voted ballots will continue to be performed by Pima County. The reasons for this shift in early ballot processing have been identified in a Recorder directed memorandum to the Board dated February 20, 2007 (Attachment 7). I fully concur with the Recorder in her actions regarding this matter. However, given the budget constraints of the County for the coming fiscal year, this is a most inopportune time to shift to this method of conducting early voting. However, election integrity and accuracy trumps cost in this instance.

The Division of Elections will also incur additional costs. Adding the two poll workers at each polling location is a necessity due to the high voter turnout expected. The Division of Elections will also incur additional costs in providing more intensive training of poll workers as identified in my memorandum of March 7, 2008, regarding the Presidential Preference Election (Attachment 8). This additional poll-worker training will be complemented with public service announcements to educate voters in order to try to eliminate confusion over required voter identification, polling location, and the various actions taken at polling locations to ensure election integrity. The voting public deserves to be fully informed of these activities and to know that the County is working diligently to ensure that every eligible voter is allowed to do so, and that every vote is accurately counted.

It will not be necessary to incur costs this budget cycle for the complete replacement of voter election equipment that will need to take place (hopefully before the November 2010 General Election).

Recommendations

It is recommended that the Board of Supervisors approve all of the proposed security measures for preventing electronic election fraud set forth beginning on page 7 of the October 19, 2007 report to the Board. These would include:

- A. Improved software and hardware administration procedures. This proposal would divide control over elections tabulation hardware and software, providing a security process whereby Elections information technology personnel cannot alter tabulating software on the tabulating servers once it is certified by the Secretary of State.
- B. The use of dual passwords. Separation of the administrative password from the dual Windows User and GEMS User passwords will provide two levels of system control as well as require at least two staff members to be present to start the GEMS system.

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- C. The discontinuation of modem transmission of precinct-level results. This was done for the February 2008 Presidential Preference Election and will continue to be done. While this substantially delays the reporting of results, it eliminates the threat of a hacker using a modem to send false results to the central tabulating computer, as well as simplifying the closeout process for precinct poll workers.
- D. Improved ballot-verification procedures. Due to the increased risk that counterfeit ballots will be printed, a number of measures will be implemented to improve our ability to identify counterfeit ballots and to prevent their insertion of those ballots into the process. Some measures will increase costs in both materials and in staffing and/or precinct-worker responsibility.
- E. The keeping of improved chain-of-custody records. Due to the physical separation of the various operational components of early-ballot processing, the controls associated with the flow and transmittal of ballots between and among various locations will be reviewed and documented in greater detail. Logs will be improved and made more accessible for Party observer review.
- F. Improved records-retention policies. There are a number of statutes governing the retention of records in the elections process. The Elections Division and the Clerk of the Board's Office will coordinate with the Arizona Department of Library, Archives, and Public Records to ensure compliance and to identify appropriate retention rules for new records developed as a part of the changes Pima County is planning to implement in the elections process (such as ballot image files, transmittal records relating to materials provided to political parties and others, additional transmittal logs, and records relating to any additional procedures adopted by the Board of Supervisors). In addition, records-tracking and retention processes will be refined further in conjunction with the Secretary of State's Office for items that are provided to that Office.
- G. New video-retention procedures. The retention of video records, which will include electronic images captured from video surveillance in the counting center, as well as data files regarding access-control systems, will comply with Arizona Department of Library, Archives and Public Records standards.
- H. Improved control procedures for the transfer and processing of ballots. Very detailed measures are being developed for tracking the early ballots that are voted and returned to the County, as well as ballots voted at the polling place. Attachment 9 is a draft of the proposed ballot processing and audit procedure. These procedures should ensure a clearly documented chain-of-custody of all ballots, and will likely reduce the election integrity concerns associated with the introduction of counterfeited ballots or ballots completed by unauthorized voters designed to skew individual election results, more commonly known as "stuffing" the ballot box. There are many steps and routes that a ballot can take in the election process. Insuring that every ballot is clearly accounted for will be our primary objective as we improve upon the existing controls.

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- I. Policies encouraging multi-party observation of all ballot processing. Today the parties concentrate observation on the delivery of and tabulation of ballots. The parties should be directly involved in the election process from start to finish. Given the substantial increase in early balloting, it would be appropriate to develop more process controls for early balloting under party observation.
- J. Electronic countermeasures. As identified at the beginning of page 9 of the October 19, 2007 report, such countermeasures will include the use of hash totals for the comparison of electronic files, continued wireless surveillance at the counting center and randomly selected precincts, and the installation of an additional testing computer in the counting center that can be used to test the integrity of any elections databases and programming without releasing the data from the custody of the Elections Division.

In addition to the recommendations outlined in the original October 19, 2007 report, I also recommend the Board take the following actions:

- K. Increase the number of ballots to be counted by hand. Require at least twice the minimum sample size required by law be hand-counted under A.R.S. §16-602. This increased sample size will increase the probability that any electronic tampering or other election fraud will be detected.
- L. Delay the tabulation of early votes. Do not begin tabulating early ballots until election day. Counting then should continue, to the greatest extent possible, without interruption or the intermediate tabulation of results until complete. This will eliminate any future unsubstantiated allegations of Elections staff releasing early results. In addition, the processing of ballots on Election Day, when our operations are under constant observation by political parties, will eliminate any allegation that Elections staff may have tampered with intermediate results.⁴
- M. Adopt independent testing procedures. In order to assure that the software systems, programs, and databases meet appropriate national standards, and to verify that no change to these systems, programs or databases has occurred at any time during an election, the County should contract with two independent nationally accredited, and recognized testing firms or laboratories to test and verify all electronic elections systems, programs, and databases used by the County for each countywide election. These independent contractors would need to be accredited by the United States Election Assistance Commission. The charge to these firms or laboratories will be to validate the integrity of the series of GEMS databases and programs used in each election, beginning with the database prepared for the Secretary of State's Logic and Accuracy Test, and ending with the final database reflecting all of the votes tallied. The firms will be tasked with developing and using an agreed-upon standard set of test procedures, as well as

⁴ Some normal backup procedures for tabulated ballots will, of course, occur.

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developing a charting process whereby total vote progression for each race across the databases is plotted to identify any anomalies. The laboratories will be given the authority to perform additional tests or investigate and document any factors they determine to be of concern.

Upon the completion of this testing process, each firm will submit an independent report certifying completion of the tests, along with all test results, and identify any abnormalities or other issues discovered, along with recommendations for remedy or further analysis. Testing and report generation must be completed within ten calendar days of the receipt of all electronic voting files from Pima County. Pima County then will post the reports on the County website for a period of not less than ninety days following receipt.

- N. Extend the election canvass period to the last possible day allowed by statute. This would, in most cases, require the Board of Supervisors to canvass the election in a special meeting of the Board since it is unlikely that the last official day for a canvass will fall on a regularly scheduled Board meeting. However, the period between the final ballot count and the canvass can be used by the County and any other interested persons or entities to use the above procedures to verify the integrity of the election database and programming.
- O. Require criminal background checks on observers. I recommend, whenever it is permissible legally to do so, that a criminal-background check be conducted on any individual with access to the tabulation center, or who is involved in the hand-count verification process. This would be the same background check as that performed on County Elections staff. In addition to County staff and party observers, all Premier (Diebold) election systems staff that are allowed to work on election equipment or software must pass the same background check prior to being given access.
- P. Establish an Election Integrity Oversight Committee. I recommend the formation of such a committee, with one member appointed by each Board member, one member appointed by the County Administrator, and Dr. John Moffatt, Office of Strategic Technology Planning, serving as an ex-officio, non-voting member. The purpose of this committee would be to assist in the implementation of the recommendations made in this report, to provide independent oversight of the County election process, and to continue to review and make recommendations to the Board regarding technical and procedural matters relating to election procedures.
- Q. Provide for public/political-party observation of all elections. State law requires political-party observation of countywide partisan elections. However, the procedures proposed in my October 19, 2007, report call for political-party observation of any countywide election, including bond elections and any other nonpartisan countywide elections. In addition, Elections staff would conduct hand-count audits of these non-partisan elections, using procedures similar to those now used for partisan elections as required by law.

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- R. Publish a detailed time line of steps in the Pima County elections process. Many of our proposed changes will increase the demand for observers from the political parties. Therefore, I recommend we identify and publish a time line for each of the tasks required to plan and execute an election, including those processes where political-party observers will be required. The political parties then can use this information in planning for providing well-trained, attentive, and qualified volunteers to participate in the process.

- S. Encourage minors to serve as poll workers. A.R.S. § 16-531 allows citizens sixteen and seventeen years of age, with the consent of their parents, to serve as poll workers. The County should establish programs with the school districts to encourage students to work as paid election workers in the polls and in the election facilities. In this way we can engage more young people in the election process, thereby promoting interest in the electoral process at an early age, and, at the same time, address the shortage of poll workers, increase (and utilize) the students' familiarity with technology, and develop a new generation of citizens that will be involved in the democratic process throughout their lives.

- T. Scan and post on the internet. After ballots are tabulated, each ballot should be scanned (by precinct) and those copies should be released on the internet before the official election canvass takes place. If it is not possible to scan and post all cast ballots, then a reasonable sample of precincts should be posted, perhaps ten percent of all precincts. The County should request that the Secretary of State allow the scanning and posting of ballots on the internet as an optional local procedure implemented at the discretion of the County.

It should be noted that the County Attorney has issued a legal opinion that present Arizona law prevents the scanning and posting of cast ballots on the internet. Thus, there is a need for legislative reform at the state level on this matter. Some form of ballot scanning is presently before the Legislature. The outcome of this legislation is unknown at this time.

At this point in the evolution of scanning technology, scanning cast ballots and posting them on the internet will be a potentially costly endeavor. However, this would allow every concerned voter to become an election-integrity watchdog if they desire. For example, if all ballots, including early ballots, cast in a particular precinct or sample of precincts were scanned and posted on the internet, anyone with a computer and internet access could manually count the votes cast in a particular precinct for any particular race or proposition and compare their manual count results against the computer tabulated results. Hence, transparency in the election counting process would be improved dramatically.

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- U. Discontinue the use of touchscreen voting devices. The touchscreen voting devices purchased in order to comply with the legal requirements of the Help America Vote Act have caused considerable concern both with respect to their correct use and with respect to overall vote security. Given the continuing concerns expressed over these devices in Pima County and across the nation, the County should petition the Secretary of State and Department of Justice to defer use of these voting machines until they are proven to be more reliable and secure.

This recommendation is based on the fact that these devices are hardly used by voters. For example, in the 2006 General Election, a total of 284,935 ballots were cast, with 496 cast on the touchscreen devices, which equals 0.174 percent of the total ballots cast. In the 2008 Presidential Preference Election, 175,589 ballots were cast; a total of 250 touchscreen ballots were cast, which equals 0.142 percent of all ballots. Clearly the number of ballots cast on these devices does not justify the documented security risk of using these devices.

In addition, touchscreen voting devices are also used at walk-in early voting sites. There is a substantial risk that only one person will vote on those machines during the early voting period. This will result in the complete loss of anonymity required for votes cast since state law mandates a signed early ballot affidavit before voting on the touchscreen.

- V. Alter procedures for logic and accuracy tests by political parties. For more than thirty years, in order to enhance public confidence in election integrity, the County has provided "test" ballots to the recognized political parties. The Party representatives took the ballots and marked them for use in logic and accuracy tests conducted in addition to the statutorily-mandated Logic and Accuracy Tests. This process was recently criticized by the Secretary of State. To eliminate the concerns raised by the Secretary, in the future the County will require the Parties to complete the "test" ballots in the County election office.
- W. Increase the number of precinct poll workers from six to eight. In order to accommodate the high turnout expected for the November 2008 Primary and General elections, the number of poll workers per precinct will be increased from six to eight. These additional poll workers should improve voter flow through the polling place and provide additional expertise and answers to poll issues that lead to voter lines and frustration.
- X. Increase poll worker and voter training and education. As indicated in my memorandum to the Board regarding the Presidential Preference Election, the Division of Elections has instituted a poll worker academy where poll workers will be educated about the most complex voting issues. In addition, troubleshooting specialists will be given special training to address issues that have typically perplexed poll workers in past elections, these issues being voter identification and eligibility, and the casting of provisional ballots.

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Poll worker training will include not only standard classroom instruction, but also the use of training DVDs for education and retraining prior to each election. Finally, public service announcements intended to educate voters about their responsibilities when entering the polling place (i.e., proper identification, reporting to the correct polling place, party affiliation, and other matters) will be prepared for release prior to the Primary and General elections of 2008.

- Y. Recommend modifications to the Secretary of State's Manual. We will encourage the Secretary of State to modify her Elections Procedures Manual to explain more clearly that counties are required to provide the Secretary with a copy of the computer database files created for each election, that these database files constitute the "computer program" described in A.R.S. §16-444 and §16-445, and that these files are not subject to disclosure under the Public Records Law. Furthermore, we will recommend that the manual be revised to require that a copy of the final election database and program be submitted to the Secretary of State's Office along with the canvass of the election. This will improve the ability of the Secretary of State or the Attorney General to perform post election reviews should concerns arise.
- Z. Support election integrity reform statewide. There are a number of legislative reforms that could be made to alleviate some of the concerns that exist regarding the integrity of elections in Arizona. Among these are:
- After ballots are tabulated, allowing counties to scan the ballots and post them on the internet. This would allow any interested person to compare cast ballots with the computer tabulated results.
 - Requiring criminal background checks for all election employees and volunteers.
 - Requiring criminal-background checks for any party observer or vendor who has direct access to the tabulating process either in the polling place or the central count location.
 - Requiring pre- and post-election certification of election tabulation software by an independent testing laboratory.
 - Supporting hand-count audits of countywide non-partisan elections.
 - Clarifying the definition and conditions for disclosure of election databases.
 - Requiring counties to submit a post-election copy of the election database to the Secretary of State's Office with the canvass results. This database would be maintained by the Secretary of State in the same manner as the pre-election database.

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- Increasing the penalties for tampering with election equipment, software, or materials, or attempting to alter the results of an election electronically.
- Requiring “hash counts” of the election program at specified points throughout the vote-counting process and specifying a reporting procedure to the Secretary of State’s Office.
- Requiring analysis of election databases from the Secretary of State Logic and Accuracy Test through the final database for each statewide election and specifying the controls and process by which this analysis will be performed and reported.
- Providing funding and establishing clearly articulated guidelines and operational standards for election security in the smaller counties.

These legislative reforms are consistent with the recommendations in this memorandum. The County, through the Board, should endorse these legislative reforms and support these legislative reforms if introduced as revisions to State law by the Arizona Legislature.

Implementation of these recommendations should occur before the Primary Election of September 2008. Some of the recommendations will require approval from the Secretary of State or the United States Department of Justice. However, the course of action recommended herein will greatly increase both the transparency of our election process and the visible and verifiable checks and balances in our system.

CHH/jj

Attachments

Attachment 1

ARIZONA SUPERIOR COURT, PIMA COUNTY

JUDGE: HON. MICHAEL MILLER

CASE NO. 20072073

COURT REPORTER: NONE

DATE: December 18, 2007

DEMOCRATIC PARTY OF PIMA COUNTY,
Plaintiff,

v.

PIMA COUNTY BOARD OF SUPERVISORS, a
body politic,
Defendant.

UNDER ADVISEMENT RULING

Plaintiff Democratic Party of Pima County brings this statutory special action to compel Defendant Pima County Board of Supervisors ("Pima County") to disclose "every file stored in the Pima County's election computer that ends with the extension "gbf" or "mdb," and the password for "gbf" files." Pima County refused the request on the basis that A.R.S. § 16-445(D) prohibits their disclosure and, in any event, the government interest in secure elections outweighs Plaintiff's interest in the files. The Court conducted a four day trial beginning December 4, 2007 to address the statutory and balancing arguments. The Court also inspected *in camera* on a secure laptop computer the 2006 General Election mdb file using GEMS and Microsoft Access.

This Ruling provides the Court's findings of fact and conclusions of law.

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Findings of Fact and Conclusions of Law

1. Plaintiff Democratic Party of Pima County is a political organization recognized by statute. *See* A.R.S. §§ 16-801 to 16-828. The organization includes county representatives selected pursuant to A.R.S. § 16-821. As a political party, Plaintiff is authorized to participate in the accounting and monitoring of elections. *See* A.R.S. §§ 16-602 and 16-603. Plaintiff actively exercises its right to monitor elections and it has offered a variety of recommendations to improve the integrity, transparency, and security of elections in Pima County. The records request for the election computer files arises out of its statutorily-mandated role.

2. Defendant Pima County Board of Supervisors is a body politic. Pursuant to its own regulations, day-to-day functioning is delegated to County employees. *See* Pima County Code 2.12.090. Individual supervisors are prohibited from making or interfering with the functions and decisions of County employees. *Id.* The County Administrator, Charles Huckelberry, has final authority to make individual decisions on specific record requests, such as the request made by Plaintiff. Mr. Huckelberry makes those decisions in consultation with technical advisors and with the advice of counsel.

3. The Pima County Division of Elections is charged with the responsibility of conducting most elections in Pima County. The division head is Brad Nelson. Mr. Nelson is responsible for conducting elections pursuant to state and federal law, organizing the necessary personnel and

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equipment to conduct the election and tally the votes, and planning for secure but transparent elections.

Mr. Nelson answers directly to Mr. Huckelberry.

4. On December 6, 2006 Plaintiff made a written, ten-item records request to Mr. Nelson and the Board chairman. Only the first item is at issue. The requested files are described as follows:

Electronic copies of the Diebold GEMS database for both the primary and general election and backup (if present) Diebold "Central Tabulator" computers. These should be produced on a CD or portable disc drive in the presence of Democratic Party observers and under their supervision. We can bring a blank factory-sealed 100 gig or more USB hard disc for simple transfer of these records.

On January 8, 2007 Mr. Huckelberry informed the Board of Supervisors in a memorandum that the request had been denied:

The County has responded to the public records request of Mr. Risner (attached) regarding Elections information. Item 1 of the request will not be provided. It is the consensus of technical opinion that providing a copy of the electronic database used to tabulate primary and general election results is ill-advised and would provide, to a knowledgeable individual, an appropriate roadmap to hack a future election in Pima County. In consultation with the Secretary of State's Office and the Maricopa County Attorney's Office, it was determined to be inappropriate to release the database. Hence, it will not be provided to Mr. Risner.

In response to the denial and intervening events, Plaintiff enlarged its request from computer files for the 2006 elections to "include every file that ends with the extension "gbf" or "mdb" . . . this request is not limited to the dates originally requested and does include all those files stored on the computer." On March 30, 2007 Deputy County Attorney Karen Friar wrote to Plaintiff's counsel to inform him that

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"After much deliberation, Pima County has determined that it cannot honor the public records request would indeed be detrimental to the interest of the government in providing for a secure and honest election." Following the denial, Plaintiff filed this statutory special action pursuant to A.R.S. § 39-121.

Elections Computer System

5. The Pima County Division of Elections uses Diebold System Inc.'s Global Election Management System ("GEMS") to process elections. GEMS has been certified by the Arizona Secretary of State for use in Arizona. The parties agree that the GEMS program is not subject to disclosure.

6. The GEMS program has several primary functions. First, it is used to print the ballots. This is a more complicated process than first appears because most general elections have races that do not apply to all county voters. Additionally, ballots are rotated from precinct to precinct. There can be as many as sixteen hundred ballot styles.

Second, GEMS writes the memory cards used to program optical ballot scanners and touch screen displays (hereinafter "voting machines"). These memory cards are integral parts of a ballot scanning process.

Third, GEMS tallies the votes from the voting machines. This process involves processing many different digital inputs, sometimes on a concurrent basis.

Finally, GEMS prints a variety of reports from the race results to management and audit functions.

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7. GEMS is a stand-alone program designed to run on computers with a Microsoft Windows operating system. The current version used by Pima County is 1.18.24.0. The GEMS software is an executable file. The program is derived from human-readable source code that is then compiled into object (machine-readable) code. The source code is copyrighted and only available through a license agreement with the manufacturer. A copy of the source code is held in escrow with the Arizona Secretary of State.

8. GEMS creates a relational database. The database consists of tables of information (e.g., race, candidate, precinct) and queries (pre-formed requests for particular information).

9. GEMS creates one database file for each election. The format is based on the format used by Microsoft Access, a general database program. Each database file ends with the letters "mdb," which stands for "Microsoft DataBase." The filename extension nomenclature follows a system used with other applications in the Microsoft Office Suite, such as Microsoft Word (.doc), Microsoft Excel (.xls), and Microsoft Powerpoint (.ppt). That is, the application creates a file with a specific three-letter extension to identify its relationship to that application.

10. A "gbf" file is a password-protected, compressed, and encrypted version of the mdb file. A gbf file can only be created and opened by the GEMS program. For the purpose of this case, the distinctions between a gbf and mbd file are irrelevant. The remainder of the Order refers only to the mdb file, although it applies equally to the gbf counterpart.

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11. The GEMS-created mdb file can be opened using Microsoft Access. Data in the file can be manipulated. Password protection can be overwritten. The full functionality of the GEMS program, however, cannot be utilized if the mdb file is opened in Microsoft Access. GEMS is necessary to utilize all of the election-related functions.

12. Although the Microsoft-sponsored mdb format is widely used, it has size and input limitations. Specifically, file integrity becomes less robust (*i.e.*, prone to crashing) when the database becomes too large. The data may also become corrupted if it receives too many inputs, too quickly, at one time (concurrency problems). These limitations are well known. Microsoft has warned against using the mdb format for some critical applications, such as election management software.

13. The parties agree that "[t]here are significant security flaws with the architecture of the GEMS software." Each of the expert witnesses endorsed that statement to one degree or another.

Is An MDB File A "Computer Program?"

14. A.R.S. § 16-445 requires Pima County to file with the Secretary of State "a copy of each computer program for each election." The filing must be made at least ten days before the election. Any revisions to the computer program must be filed within 48 hours after the revision. A.R.S. § 16-445(B).

Electronic medium used to operate the vote tabulating devices must be kept under lock and seal. A.R.S. § 16-445(C). If there is a retally of the votes, the election officer must submit an affidavit vouching for the authenticity of the electronic medium and that there has been no alteration since the

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25. Pima County identifies four types of security compromises that could occur if the mdb files were released and there were lapses in physical security:

- a. Counterfeit ballots could be generated from GEMS.
- b. Counterfeit memory cards could be generated from GEMS.
- c. Electronic transfer information could be obtained from the mdb file to launch a "man-in-the-middle" attack during transmittal of election results.
- d. Counterfeit election results could be generated to confuse or call into question official election results.

26. Each of the concerns raised by Pima County represents a valid, significant security risk if physical security of the cast ballots, voting machines, memory cards, electronic input devices, and counting computer is not strictly maintained. For instance, the substitution of ballots or memory cards would require a lapse in existing security measures or the complicity of elections personnel to overcome lock-boxes and anti-tamper seals. Pima County acknowledges that its security measures would generally prevent insertion of counterfeit materials, but it wishes to maintain an additional layer of security in the event that those measures are not effective or are breached.

27. Interception of electronic transmissions and substitution of invalid voter results is an ongoing concern. Specifically, the extant procedures involve modem transmission of voting machine results to the central counting computer. Interception of the electronic transmission would be made

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easier if the transmission information contained within the mdb file was widely known. This is known as the "man-in-the-middle" ruse. There is a pending recommendation from Mr. Huckelberry to eliminate all modem transmission of voting machine results and to use a hardwire method within a secure-room environment. If Mr. Huckelberry's recommendation is accepted, the interception and substitution of voting machine results by remote electronic means is virtually eliminated.

28. The risk of interference with the counting computer has been significantly reduced by recent measures to control and monitor persons with access to the computer, to eliminate remote connections, and to create a special room that allows physical monitoring of the security measures. As with the counterfeit materials, it would be very unlikely that a contaminated mdb file could be substituted for the valid, working mdb file.

29. Use of the mdb file from past elections to create false election results in future elections does not appear to be a significant risk for several reasons. First, the printout of election results produced by GEMS has no security artwork (unlike the "timing marks" on ballots) and could be easily duplicated with any word processor. This possibility exists independent of disclosure of the mdb file. Second, persons not designated as elections personnel could not credibly claim that the election results they proffer are more valid than the results prepared from the secure, elections computer. Moreover, even such an attempt would likely result in a criminal investigation regarding fraud. See A.R.S. §§ 16-1012 to 16-1021 (penal provisions for interference, counterfeiting, intimidation, and corruption of the

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election process). Finally, Plaintiff concedes that the release of mdb files immediately after the polls close is neither practical or appropriate. Release of the mdb file days or even weeks after the election significantly reduces the concern that valid election results could be challenged with an altered mdb file.

30. Pima County also alleges that future mdb files would have to be "built from scratch" if past-election mdb files were released as public records. Bryan Crane, the master programmer for the Election Division since GEMS first came into use, explained how he builds the mdb file for each new election based upon prior files from previous elections. Use of prior mdb files is important because although the candidates and initiatives/referendums frequently change, the races and most precincts remain the same. Upon closer examination, however, his concern is a factual assumption for the more general concern about counterfeit ballots and memory cards.

Pima County's expert witness, Professor Merrill King, testified that starting over with a new mdb file for each election should not result in a new architectural structure for the mdb file or the formatting of ballots and memory cards. In fact, he emphasized that the primary risk of starting from scratch with each election is the increased likelihood of clerical errors because creating a ballot involves manual input of voluminous numerical and formatting data. Using the analogy of building a house, Professor King explained that the mdb structure for races and precincts (*i.e.*, equivalent to walls, number of rooms, etc.), must remain the same to comply with state and federal law, and only the contents (*i.e.*, furniture) must change to reflect the new candidates and questions. Using a prior, valid structure

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Judicial Administrative Assistant

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eliminates the likelihood of significant errors. The rationale for using prior mdb files as a template for future elections is valid and well-established.

Mr. Crane and Professor King suggested that by starting from scratch with each new election it would be possible to detect or prove counterfeit mdb files if public disclosure of the mdb file increased the risk that someone would do so to compromise an election. This potential problem ultimately returns to the concerns noted above regarding counterfeit ballots, memory cards, and substituted mdb files.

Plaintiff correctly points out that the risk of counterfeit items or reverse-engineering is primarily a concern if a perpetrator can physically substitute ballots, memory cards, or electronic transmissions with contaminated copies. These types of counterfeits are fundamentally different from counterfeiting in other areas where there is no attempt to eliminate or invalidate the real item (*e.g.*, counterfeit money, pirated DVD's, and unlicensed software have independent value separate from original items produced by the U.S. Treasury, movie companies, and software manufacturers).

31. In addition to the specific, identified concerns listed by Pima County, the witnesses also identified the threat of new attacks on electronic election systems that no one has anticipated. For instance, Plaintiff's expert, Mickey Duniho, is a retired master programmer with many decades of experience at the National Security Agency. He confirmed that the risk of novel attacks on computer systems is an ever-present threat. Defendant's witnesses opined that disclosure of a mdb file was the

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Judicial Administrative Assistant

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equivalent of making public the architectural drawings of a building. Whatever the merits of the security system that might be in place, unlimited access to the drawings increases the likelihood that a potential intruder could find and exploit a security flaw not known by those responsible for security.

Although it is difficult to quantify an unknown —but plausible— threat, this consideration must be weighed against Plaintiff's interest in the mdb files.

32. Plaintiff does not identify specific reasons why it needs possession of the mdb files. (It previously had asserted the need for audit logs contained within the mdb file that would show alterations and printing of vote tallies prior to the polls closing, but those audit logs have been separately disclosed.) Plaintiff premises its request on two general arguments. The first is based on the presumption in favor of disclosure, which also requires that an official who wishes to withhold public documents must prove specifically how the public interest outweighs this presumption. Citing *Phoenix Newspapers, Inc. v. Keegan*, 201 Ariz. 344, 349 (App. 2001). Second, Plaintiff argues that it cannot perform its statutorily-mandated role of elections monitor unless it can inspect the mdb files.

These general arguments arose from its internal research and informational meetings with Pima County election officials. Plaintiff identified a variety of administrative personnel and physical security issues that could compromise an election or call into question the election results. (Plaintiff is careful to note that it is not alleging or even suggesting that prior elections were compromised or fraudulent.) It now wishes to determine if there are weak spots in the elections management software.

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Judicial Administrative Assistant

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33. The risk of a novel attack based on the public disclosure of an mdb file can be assessed in a limited context. Various witnesses testified about the public disclosure of an mdb file from an Alaska election. The witnesses did not know the context of the disclosure and this Court's own legal research does not disclose it; however, newspaper reports from the Anchorage Daily News describe a suit to release the raw election results. *See e.g.*, www.adn.com/news/politics/elections/story/8218154p-8115104c.html (last visited December 13, 2007). Expert and lay witnesses for both parties testified that they had obtained the mdb file on the Internet, and examined it using various methods.

Professor King also knew of the Alaska mdb file, but only recently. The context and implications of how he learned about this development are revealing. Professor King is the Executive Director of the Center For Election Systems at Kennesaw State University in Georgia. He consults nation-wide with state and federal elections officials about election software. He has a particular interest in security issues. He also oversees a staff of persons at his Center that regularly search for emerging issues in elections management software.

Professor King was not aware of the public disclosure of the Alaska mdb file until his recent involvement with this case. He asked his staff to research the security implications arising from the disclosure of the file. Apparently, despite public disclosure of the Alaska mdb file more than a year ago, it had not registered as a security issue with him or his staff. He testified that there is no indication

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Judicial Administrative Assistant

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election. *Id.* There is no requirement that the mdb file be sent to the Secretary of State after the election. See generally Arizona Secretary of State Election Procedures Manual, pgs. 79-80 (Aug. 2006).

Pima County argues that A.R.S. § 16-445(D) prohibits disclosure under the public records law. It provides that “[a]ll materials submitted to the secretary of state shall be used by the secretary of state or attorney general to preclude fraud or any unlawful act under the laws of this title and title 19 and shall not be disclosed or used for any other purpose.” The issue is whether a “computer program” ordered to be filed with the Secretary ten days before the election includes the mdb file created by GEMS during the election process, but which is not finalized until after the votes are counted.

15. “Computer program” is described as “all programs and documentation adequate to process the ballots at an equivalent counting center.” A.R.S. § 16-444(A)(4). “Database” is not defined in the election statutes or other Arizona law.

16. Federal copyright law defines “computer program” as “a set of statements or instructions to be used directly or indirectly in a computer in order to bring about a certain result.” 17 USCA § 101. Even such a simple definition made within the context of a specialized area of law is subject to problems of context and nuance. See William F. Patry, *Copyright and Computer Programs: It's All In The Definition*, 14 *Cardoza Arts & Ent. L.J.*, 1, 39 (1996). Nonetheless, there is a fundamental distinction between a computer program and a database. Compare Copyright Office Circular 61 *Copyright Registration for Computer Programs* (a “computer program” is a set of statements or instructions to be

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Judicial Administrative Assistant

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used directly or indirectly in a computer in order to bring about a certain result”) with Circular 65 *Copyright Registration for Automated Databases* (“database is a body of facts, data, or other information assembled into an organized format suitable for use in a computer and comprising one or more files”).¹

17. The expert witnesses also agreed that an mdb file is fundamentally different from the GEMS executable file. The latter is not readable by a human. It contains the majority of the instructions to operate the computer. The only disagreement is whether the addition of queries, which are in the form of “SQL” statements, transform the mdb file into a computer program.

18. The Arizona Secretary of State creates and distributes the Elections Procedures Manual that provides additional details to election officials regarding the conduct of elections and the filing of mandated materials. The Elections Procedures Manual does not provide explicit instruction on whether the mdb file may be disclosed. Gila County Election Director, Dixie Mundy, testified that the Secretary of State provides training materials and seminars. She does not recall any instruction from the Secretary of State prohibiting the disclosure of mdb files. Finally, the Secretary of State’s Election Director, Joseph Kanefield, testified pursuant to a Rule 30(b)(6) designation about the Secretary’s policies and procedures regarding election software. He did not indicate that the Secretary of State opines that A.R.S. § 16-445 prohibits disclosure. Similarly, the Arizona Attorney General, which represented the Secretary

¹ Copyright protection specifically extends to “computer programs” whereas databases may be copyrightable as a form of original compilation. *Id.* The point is not whether GEMS versus the mdb file is subject to copyright; rather, the importance lies in the recognized legal distinction between the software program that creates a database and the database itself.

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Judicial Administrative Assistant

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of State in this case and conducted an investigation relating to the computer files, did not seek intervention in this case to oppose disclosure of the mdb files.

19. The final mdb files (which are the principal files requested by the Plaintiff), are not required to be sent to the Secretary of State. Unofficial results that are released to the public must be transmitted to the Secretary by telephone, fax, or "other electronic means." A.R.S. § 16-622(B). The official canvas for all elections must be provided to the Secretary "on paper and also electronically in a 'readable' format prescribed by the secretary of state." Elections Procedures Manual at 158 (2006); see also A.R.S. §§ 16-646(B) and (C). Nothing in the vote tallying statutes or the Elections Procedures Manual indicates that Pima County is required to provide to the Secretary the final mdb file.

20. The Court finds that the mdb file is not a computer program as defined under A.R.S. § 16-444(A)(4) for three reasons. First, the legal distinction between a computer program and database is well recognized in other contexts and applies equally here. See e.g., Raymond T. Nimmer, 1 Information Law § 3:33 (2007); Amy Sullivan, *When The Creative Is The Enemy Of The True: Database Protection In The U.S. And Abroad*, 29 AIPLA Quarterly J. 317, 323 (2001). Second, computer experts recognize the distinction between a computer program and a database. Finally, the prohibition against disclosure, when read in the context of all elections statutes, does not include the final mdb files because they are not required to be provided to the Secretary in that form.

21. The Court concludes that A.R.S. § 16-445(D) does not prohibit disclosure of mdb files.

Lynne Booth
Judicial Administrative Assistant

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Balancing Plaintiff's Right To Public Records Versus Defendant's Interest In Conducting Secure Elections.

22. The parties agree the mdb files are public records.

23. The public records law creates a strong presumption in favor of disclosure. *Griffis v. Pinal County*, 215 Ariz. 1, 4, ¶¶ 12-13, 156 P.3d 418 (2007). If a public record falls within the scope of the statute, the Court can perform a balancing test to determine whether privacy, confidentiality, or the best interests of the state outweigh the policy in favor of disclosure. *Id.*; see also *Carlson v. Pima County*, 141 Ariz. 487, 490-491, 687 P.2d 1242 (1984).²

24. Pima County is concerned that each of the primary functions of the GEMS software could be compromised if the database is released to Plaintiff. The concerns are based on several assumptions, which the Democratic Party does not deny. First, release of the computer file to Plaintiff will likely result in wide disclosure. Second, although Plaintiff does not seek disclosure of the GEMS software, the program is available on the Internet; persons who have not obtained an official license to operate the program can download it. The Court finds that disclosure of the mdb files will not be limited to Plaintiff.

² The balancing test generally focuses on "the public's right to openness in government" rather than the specific interest of the petitioner in the requested records. *Carlson v. Pima County, supra*, 141 Ariz. at 491. Although Plaintiff stresses its particular standing as a political party with specific rights and responsibilities in the elections process, the Court applies the *Carlson* standard.

Lynne Booth
Judicial Administrative Assistant

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that the release of the mdb file compromised a subsequent election in Alaska or in any other place in the country.

Professor King opined, however, that the release of a single mdb file may not be sufficient to allow computer hackers to obtain enough information about the architecture of the mdb database to compromise elections in other jurisdictions. He explained that multiple mdb files from various jurisdictions might be necessary to provide confirming data that would enable a computer hacker to map the structure of the GEMS-created mdb file. Essentially, unless multiple copies of mdb files are released it will not be possible to know the actual risk from computer hackers.

Plaintiff's expert witnesses opined that there is nothing in multiple copies of the mdb files that would be of such incremental value that there would be an increased risk if Pima County disclosed all its mdb files. Plaintiff's experts are extremely knowledgeable in computer security and computer programming, but none of them have the hands-on experience with the GEMS program possessed by Defendant's witnesses.

33. The Court finds that the risk of releasing multiple, but not identical, versions of a database file with a similar structure poses a known risk that hackers could use the files to contaminate valid mdb files. The risk arising from the release of mdb files has not been quantified or assessed with any precision. This known-but-unquantified risk, coupled with the possibility of failure in the physical security of elections equipment, cautions against unlimited release of mdb files. The Court concludes

Lynne Booth
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that releasing a large number of mdb files at this time does not protect the interest of the State in valid elections.

The absence of negative consequences from the release of the Alaska mdb file indicates that a limited release of mdb files may not harm the State's interest, or that the reduced risk from disclosure is outweighed by the benefit to the public:

Plaintiff has demonstrated that its participation in monitoring computer-based elections has resulted in increased elections security. Mr. Huckelberry has praised and adopted a number of the physical and personnel recommendations made by the Democratic Party. The continuing interest of the Democratic Party in this area has spurred election officials to conduct internal reviews that have resulted in improvements that are independent from the recommendations made by Plaintiff.

The Court concludes that the public interest will benefit from the continued involvement of Plaintiff in reviewing election management software. Without access to at least some of the mdb files, Plaintiff will be constrained in its ability to fulfill its statutorily-mandated role. The positive benefit to the public by Plaintiff's ability to analyze mdb files for two elections in 2006 outweighs the much smaller risk posed by the disclosure to the public.

Lynne Booth
Judicial Administrative Assistant

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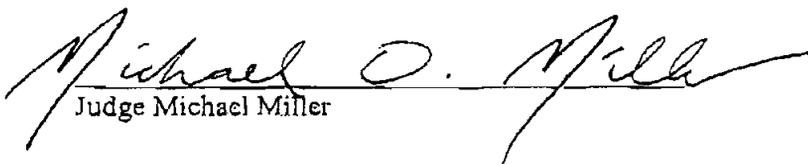
Case No: C20072073

ORDER

IT IS ORDERED that the public records request identified in Plaintiff's December 6, 2006 letter, Item no. 1, is *granted*. Specifically, Pima County shall disclose pursuant to A.R.S. § 39-121.02 the final mdb and gbf files for the 2006 General and Primary Elections.

IT IS FURTHER ORDERED *denying* Plaintiff's March 6, 2007 letter request for "every file that ends with the extension gbf or mdb." Such denial is without prejudice to Plaintiff to re-urge the record request after it has had the opportunity to study the mdb files for the 2006 elections and to address the current (and any future) security concerns raised by Pima County arising from the disclosure of many mdb and gbf files.

Dated this 18th day of December 2007


Judge Michael Miller

cc: Hon. Michael Miller
William J. Risner, Esq./Kenneth K. Graham, Esq. – Risner & Graham
County Attorney – Civil Division – Christopher Straub, Esq./Thomas A. Denker, Esq.

Lynne Booth
Judicial Administrative Assistant

Attachment 2



COUNTY ADMINISTRATOR'S OFFICE

PIMA COUNTY GOVERNMENTAL CENTER
130 W. CONGRESS, TUCSON, AZ 85701-1317
(520) 740-8661 FAX (520) 740-8171

C. H. HUCKELBERRY
County Administrator

May 1, 2007

The Honorable Jan Brewer
Arizona Secretary of State
Capitol Executive Tower 7th Floor
1700 West Washington Street
Phoenix, Arizona 85007-2888

Re: Lawsuit Filed by the Democratic Party of Pima County Seeking Electronic Copies of the Diebold Gems Database and All ".gdb" and ".mdb" Files Regarding Elections

Dear Secretary Brewer:

On April 25, 2007, the Democratic Party of Pima County filed suit against the Pima County Board of Supervisors seeking "public records" in the form of electronic copies of the Diebold GEMS database and all ".gdb" and ".mdb" files regarding elections. This lawsuit, Pima County Case No. C2007-2073, was filed after Pima County repeatedly refused to honor a public records request for this information.

Pima County has explained to the Democratic Party that releasing the GEMS database would put the integrity of all future elections into serious jeopardy. In fact, the Democratic Party itself provided information to the Pima County Board of Supervisors that showed how providing this information would be equivalent to providing the roadmap and details necessary to compromise the elections system and the security that the County has worked so diligently to put into place.

Even if it were possible to redact all potentially compromising fields, we believe that providing the database would give a sufficient number of the details of the database to allow others to hack into the system. If that occurred, it would not only jeopardize elections in Pima County, but also those in every county which uses Diebold technology in Arizona (and, in fact, the United States). Because of the broad impact that provision of this information could have on the integrity of elections in the State (particularly the counties that use Diebold systems), Pima County formally requests that your office intervene in this action in order to protect elections statewide.

The Honorable Jan Brewer

Lawsuit Filed by the Democratic Party of Pima County Seeking Electronic Copies of the Diebold Gems Database and All ".gdb" and ".mdb" Files Regarding Elections

May 1, 2007

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To explain the importance of the support of your office, Brad Nelson, Pima County's Director of Elections; Dr. John Moffatt, Office of Strategic Technology Planning; and two Deputy County Attorneys, Karen Friar and Thomas Denker, met with Kevin Tyne, Joe Kanfield, and Bill Maaske at your office this past Thursday. I understand that these gentlemen were very attentive listeners and truly wished to hear the problems raised by this unprecedented demand by the Democratic Party. They assured our staff that they would discuss the request with you and be forthcoming with a response. I write to emphasize the fact that your office alone can provide important evidence about the other counties' physical and electronic security and how that security would be compromised if the database and electronic files are released.

Although I do not believe that the Democratic Party has ill intentions in seeking to obtain this information, nevertheless, if these electronic files are determined to be public records subject to release to that Party, the files are subject to release to any organization or entity, some of which may not have the integrity of elections in mind.

For the reasons set forth above, and in my staff's discussion with your staff last week, Pima County would ask that you intervene in this action to protect Arizona election integrity.

Sincerely,



C.H. Huckelberry
County Administrator

CHH/jj

- c: The Honorable Chairman and Members, Pima County Board of Supervisors
Brad Nelson, Pima County Director of Elections
Dr. John Moffatt, Office of Strategic Technology Planning
Karen Friar, Deputy County Attorney, Civil Division
Thomas Denker, Deputy County Attorney, Civil Division

Attachment 3



JAN BREWER
SECRETARY OF STATE
STATE OF ARIZONA

January 11, 2008

C.H. Huckelberry, County Administrator
 Pima County Administrator's Office
 130 W. Congress
 Tucson, Arizona 85701-1317

*Copy to
 Board
 fyi -
 CM
 1/11/08*

Dear Mr. Huckelberry:

Thank you for sharing with my office a copy of your proposal titled, "Proposed County Modifications to Election Procedures to Enhance Security and Reliability of Election Results". I understand that this proposal has been considered in a series of public meetings held in Pima County. My staff and I have carefully reviewed the proposal and I would like to share my thoughts.

I appreciate the effort you and your staff have undertaken to review the current election security practices in Pima County and to make recommendations going forward. In addition, I would like to take this opportunity to compliment the Pima County Election staff and the professionalism that this office has exhibited in its dealings with the Arizona Secretary of State's Office and in its preparation and administration of our statewide, federal and legislative elections.

My administration has worked hard over the past five years to ensure that our elections are run in a fair, orderly, accurate and secure manner. I have conducted an extensive review and examination of our election systems through the Brewer Voting Action Plan, successfully promoted legislation to provide additional layers of election security, and strengthened the security procedures set forth in the Secretary of State's Election Procedures Manual (Procedures Manual) followed by our county election officers.

From an election security point of view, Arizona's laws and procedures establish a rigorous end-to-end approach that is among the tightest and most secure in the nation. These statutory and procedural security, educational, and accountability requirements include:

- Rigorously testing and certifying voting equipment at the federal and state levels to uniform and national standards set forth by the Election Assistance Commission as well as Arizona statutory requirements.
- Testing and inspecting all equipment upon purchase and prior to use.

C.H. Huckelberry, County Administrator
January 11, 2008
Page 2

- Testing and inspecting all equipment after routine maintenance and after certified upgrades to firmware, software and hardware have been installed.
- Logic and accuracy testing before and after each election to ascertain that the equipment and programs correctly count the votes cast.
- Preparing and examining each machine before it is sent to a polling place.
- Requiring equipment and ballots to be physically secured at all times.
- Prohibiting access to ballots and equipment without prior authorization.
- Maintaining an inventory of all election media (e.g. memory cards).
- Requiring all election media to be secured at all times.
- Requiring computer programs that run elections to be filed with the Secretary of State and held in escrow before the election.
- Establishing a strict chain of custody procedure (i.e. secure storage, authorized access, two person transportation requirement) to assure that all equipment and software is accounted for at all times.
- Requiring all election management software and equipment to stand alone and not be attached to any other computer or the internet.
- Requiring election equipment firmware and software hash codes be verified against the National Institute of Science and Technology database before each election to assure the integrity of the software used at every election.
- Prohibiting the use of wireless communications.
- Requiring software to be checked and reloaded on each machine for each election so that the original source can be tracked.
- Mandating live video surveillance in all of the tabulation rooms with public viewing on the Secretary of State's website.
- Sealing voting machines after the election.
- Securing machines when they are not in use.
- Instructing voters before the election regarding the use of voting machines.
- Training election board inspectors and judges.
- Conducting a post-election audit by manually comparing precinct results to the electronic transmission of those same results before any results are made official.
- Conducting a post-election hand count of a sample of precincts beginning 24 hours after the polls close to assure the machines counted accurately.
- Recounting votes in close elections.
- Resolving election contest actions when there is an allegation that the result is incorrect because of an erroneous vote count.

It is clear to me that Pima County is proposing to build upon the security framework already established in my Procedures Manual and I applaud this effort. It is important to note, however, the while these procedures may be appropriate for Pima County given its size and resources, they may or may not be appropriate for every county in Arizona. The detail prescribed in your report does not lend itself to a one size fits all approach to the entire state.

C.H. Huckelberry, County Administrator
January 11, 2008
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It is for this reason that I urge each county election official to carefully review the security guidelines set forth in the Procedures Manual and implement these requirements in a manner best suited to each county.

Your proposal calls for replacing the voting equipment used in Pima County because it is nearly 12 years old. I agree with this proposal as it is consistent with my Equipment Refresh Policy set forth in the Election Procedures Manual. This policy recommends that the counties plan and budget to have all voting system hardware replaced at a minimum of every 10 years.

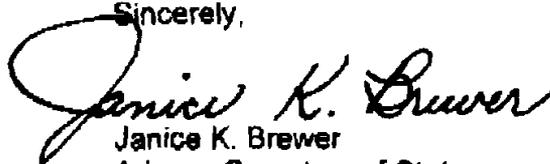
With respect to the Attorney General's review of the 2006 Pima County Regional Transportation Authority Funding election, I am pleased with the Attorney General's finding that there was no evidence of any wrong doing on the part of the Pima County election officials. I note also that the security weaknesses identified by the Attorney General in his report were identified long ago by my office and are reflected in other studies. I have been working to address these concerns for several years and will continue to review, evaluate and propose reform in the area of election security in Arizona.

It is important to note that the findings of the consultant hired by the Attorney General reached the same conclusion already identified in numerous other studies and reviews conducted over the past several years-- someone with unauthorized access to an election system can manipulate that system. The same security breach would be possible with any election system, including a purely paper-based voting system.

It is therefore critically important that the physical security protocol summarized above be strictly followed to prevent any such manipulation from ever occurring in Arizona. The procedures in Arizona go above and beyond what is necessary to secure an election and it is for this reason that we have never had an election security breach in our State.

Once again I applaud your efforts to build on the security procedures established by my office that are necessary to preserve and maintain the integrity of our elections here in Arizona. Thank you for allowing me this opportunity to comment on your proposal.

Sincerely,



Janice K. Brewer
Arizona Secretary of State

cc: The Honorable Terry Goddard

JKB/jk

Attachment 4



JAN BREWER
SECRETARY OF STATE
STATE OF ARIZONA

January 17, 2008

C.H. Huckelberry, County Administrator
Pima County Administrator's Office
130 W. Congress
Tucson, Arizona 85701-1317

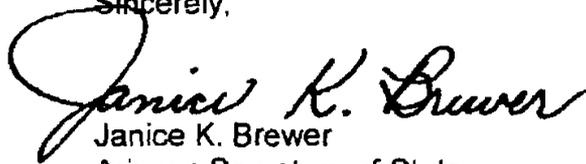
Dear Mr. Huckelberry:

It is my understanding that the Pima County Board of Supervisors voted at its January 16, 2008, meeting to establish a procedure to scan voted ballots and post those ballots online. Please be advised that it is unlawful for a county to establish its own procedures for tabulating and storing ballots.

Any such procedure must be promulgated by the Arizona Secretary of State in accordance with A.R.S. § 16-452. This statute requires my office to establish rules regarding the "counting, tabulating and storing of ballots" to assure that there is uniformity throughout the State. Consequently, Pima County may not scan and post voted ballots online.

Moreover, it is my position that this proposal involves substantial policy questions related to election administration in Arizona and that such a policy must be vetted and approved by the Arizona Legislature.

Sincerely,


Janice K. Brewer
Arizona Secretary of State

cc: The Honorable Terry Goddard
The Honorable Barbara LaWall

JKB/jk

Attachment 5



**JAN BREWER
SECRETARY OF STATE
STATE OF ARIZONA**

March 17, 2008

The Honorable Richard Elias
Chairman
Pima County Board of Supervisors
130 W. Congress
Tucson, Arizona 85701-1317

Dear Chairman Elias:

During recent testimony provided at the Arizona State Senate Judiciary Committee hearing, I was surprised to learn that Pima County has been providing partisan party representatives live ballots prior to the election, and further, allowing these same political individuals to remove these ballots from the election offices for purposes of generating an "independent" logic and accuracy test. In the ensuing days since that hearing, the Pima County Elections Office confirmed this practice.

That Pima County would allow such a massive election security breach is itself a shocking development, especially given the recent high profile efforts by your county to increase voting security. Quite simply, allowing partisan party members to take live ballots for their own use and away from the direct oversight of election officials – no matter how well meaning – provides an opportunity for reproduction of the ballots. After having spoken to election officials from throughout the state on this issue, it is clear that such monumental security risks in providing unauthorized individuals access to blank ballots, is a practice not shared by any other county.

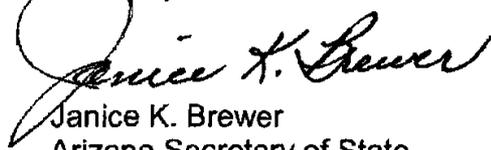
I also note that there is absolutely no basis for this practice in law, nor any such provision within the Secretary of State Election Procedures Manual. I can't help but wonder under what authority your election officials have implemented such a fundamental security breach, and am certain nevertheless, that this is extremely bad public policy. It also comes as no surprise that Pima County stands alone in its support of the most recent legislative effort to legitimize this detrimental policy.

I have attached a copy of this letter to Senator Chuck Gray, Chairman of the Senate Judiciary Committee, and to Senator Karen Johnson with the hopes that they will take corrective action at the legislature to ensure this practice does not continue.

The Honorable Richard Elias
March 17, 2008
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Lastly, let me be clear, I do believe the political parties play an important role in the election process. The law very clearly provides party representatives the right to be present and to participate during the testing and tabulation of all ballots by the election officials. Moreover, the parties play a critical statutory role in conducting the post election hand count and audit. Party representatives, like any other unauthorized individual, should not, however, be provided unsupervised access to blank ballots, under any circumstances. I urge you to take immediate action concerning this serious security issue.

Sincerely,

A handwritten signature in black ink that reads "Janice K. Brewer". The signature is fluid and cursive, with a large initial "J" and "B".

Janice K. Brewer
Arizona Secretary of State

cc: The Honorable Chuck Gray, Chairman, Senate Judiciary Committee
The Honorable Karen Johnson, Arizona State Senate
The Honorable Terry Goddard, Attorney General
The Honorable Ann Day, County Supervisor
The Honorable Ramon Valadez, County Supervisor
The Honorable Sharon Bronson, County Supervisor
The Honorable Ray Carroll, County Supervisor
The Honorable Barbara LaWall, County Attorney
Charles Huckelberry, County Administrator

JKB/kt

Attachment 6



COUNTY ADMINISTRATOR'S OFFICE

PIMA COUNTY GOVERNMENTAL CENTER
130 W. CONGRESS, TUCSON, AZ 85701-1317
(520) 740-8661 FAX (520) 740-8171

C.H. HUCKELBERRY
County Administrator

March 28, 2008

The Honorable Jan Brewer
Secretary of State
State of Arizona
1700 West Washington Street, 7th Floor
Phoenix, Arizona 85007-2888

Re: Your March 17, 2008 Letter Related to Political Party Logic and Accuracy Test Ballots

Dear Secretary Brewer:

We were quite surprised by your letter of March 17, 2008 regarding political party test ballot logic and accuracy testing. This process has occurred in Pima County for at least 30 years. Former Arizona Secretaries of State and their staffs have been well aware of this process. Additionally, members of your staff very likely have been aware of the process as it has been discussed at numerous meetings of Election Officials throughout the State.

The party logic and accuracy tests as well as ballots submitted to your office have been conducted by the designees of the highest ranking local party officials. The test ballots used by the political parties for their local logic and accuracy tests have been clearly marked and identified as "test" ballots. Affixed to this letter is the standard test ballot stamp that occurs across the face of each ballot. These test ballots have been properly accounted for by Elections staff and the political parties.

Nevertheless, as we have learned in our ongoing litigation over the release of election databases, GEMS software is readily available over the internet. In addition, we have been ordered by the Superior Court to release some databases. These combined facts cause us a great deal of concern over future election security. We share your concerns about the generation of counterfeit ballots via reproduction or direct printing by those in possession of the GEMS software. Consequently, we have increased our vigilance related to election security. Your concerns validate our findings and the need for our planned process changes. Therefore, we agree with you that the prior process of allowing ballots to be removed from the election offices must be discontinued and we have modified our procedures accordingly.

The Honorable Jan Brewer

Your March 17, 2008 Letter Related to Political Party Logic and Accuracy Test Ballots

March 28, 2008

Page 2

to prohibit this practice as one of the many changes we are planning for this 2008 election year. We would like to continue the local party logic and accuracy test under these new guidelines in an effort to maintain confidence in the integrity and accuracy of our electronic voting process.

We have little concern regarding Senate Bill 1477, referenced in your letter. Furthermore, we would support legislation or modifications to the Secretary of State Elections Procedure Manual that:

- Require scanning of cast ballots and posting on the internet so that anyone can become an election watchdog and check computer tabulated results with manual counts.
- Require criminal background history review for all employees of election functions.
- Require criminal background history review of any party observer or vendor who has direct access to tabulating cast ballots.
- Require pre- and post-election certification of election tabulation software by an independent testing laboratory.
- Support hand count audits of countywide nonpartisan elections.
- Clarify the definition and conditions for disclosure of election databases.
- Define a process where a post-election copy of the election database is submitted by the Election Officer to your office immediately following the canvass of an election.
- Increase the penalties for tampering with election equipment, software, materials, or attempting to affect the results of an election.
- Enable our planned methodology to validate the integrity of the election program and the associated programming parameters throughout the vote counting process from your logic and accuracy test through the final vote tabulation.
- To address the security concerns raised in your letter of January 11, 2008, provide funding, guidelines, education, and operational standards to improve election security in some of the smaller counties to insure consistency of election security across all counties in Arizona.

Thank you for your interest in election integrity. We, too, are very concerned about a number of risks that have recently been identified as a part of our investigation as well as those raised by others. We welcome legislative reform and/or procedural change to implement a variety of election security measures as well as increase transparency and confidence in the electoral process.

The Honorable Jan Brewer
Your March 17, 2008 Letter Related to Political Party Logic and Accuracy Test Ballots
March 28, 2008
Page 3

We hope to hear from you or your staff soon as to how we can work together to achieve what appears to be a common goal.

Sincerely,



C.H. Huckelberry
County Administrator

CHH/jj

- c: The Honorable Chuck Gray, Chairman, Senate Judiciary Committee
- The Honorable Karen Johnson, Arizona State Senate
- The Honorable Terry Goddard, Attorney General
- The Honorable Chairman and Members, Pima County Board of Supervisors
- The Honorable Barbara LaWall, Pima County Attorney
- Brad Nelson, Elections Director
- Judy White, Chair, Pima County Republican Party
- Vince Rabago, Chair, Pima County Democratic Party

TEST



JAN BREWER
SECRETARY OF STATE
STATE OF ARIZONA

March 17, 2008

The Honorable Richard Elias
Chairman
Pima County Board of Supervisors
130 W. Congress
Tucson, Arizona 85701-1317

Dear Chairman Elias:

During recent testimony provided at the Arizona State Senate Judiciary Committee hearing, I was surprised to learn that Pima County has been providing partisan party representatives live ballots prior to the election, and further, allowing these same political individuals to remove these ballots from the election offices for purposes of generating an "independent" logic and accuracy test. In the ensuing days since that hearing, the Pima County Elections Office confirmed this practice.

That Pima County would allow such a massive election security breach is itself a shocking development, especially given the recent high profile efforts by your county to increase voting security. Quite simply, allowing partisan party members to take live ballots for their own use and away from the direct oversight of election officials – no matter how well meaning – provides an opportunity for reproduction of the ballots. After having spoken to election officials from throughout the state on this issue, it is clear that such monumental security risks in providing unauthorized individuals access to blank ballots, is a practice not shared by any other county.

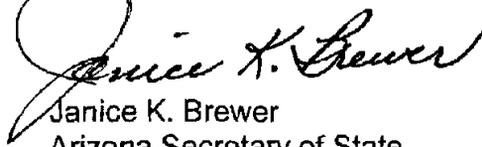
I also note that there is absolutely no basis for this practice in law, nor any such provision within the Secretary of State Election Procedures Manual. I can't help but wonder under what authority your election officials have implemented such a fundamental security breach, and am certain nevertheless, that this is extremely bad public policy. It also comes as no surprise that Pima County stands alone in its support of the most recent legislative effort to legitimize this detrimental policy.

I have attached a copy of this letter to Senator Chuck Gray, Chairman of the Senate Judiciary Committee, and to Senator Karen Johnson with the hopes that they will take corrective action at the legislature to ensure this practice does not continue.

The Honorable Richard Elias
March 17, 2008
Page 2

Lastly, let me be clear, I do believe the political parties play an important role in the election process. The law very clearly provides party representatives the right to be present and to participate during the testing and tabulation of all ballots by the election officials. Moreover, the parties play a critical statutory role in conducting the post election hand count and audit. Party representatives, like any other unauthorized individual, should not, however, be provided unsupervised access to blank ballots, under any circumstances. I urge you to take immediate action concerning this serious security issue.

Sincerely,

A handwritten signature in cursive script that reads "Janice K. Brewer". The signature is written in black ink and is positioned above the printed name and title.

Janice K. Brewer
Arizona Secretary of State

cc: The Honorable Chuck Gray, Chairman, Senate Judiciary Committee
The Honorable Karen Johnson, Arizona State Senate
The Honorable Terry Goddard, Attorney General
The Honorable Ann Day, County Supervisor
The Honorable Ramon Valadez, County Supervisor
The Honorable Sharon Bronson, County Supervisor
The Honorable Ray Carroll, County Supervisor
The Honorable Barbara LaWall, County Attorney
Charles Huckelberry, County Administrator

JKB/kt

Attachment 7



P. O. Box 3145
Tucson, AZ 85702-3145

Christopher J. Roads
Chief Deputy Recorder
Registrar of Voters

Located in the Old Courthouse at:
115 North Church Avenue, Tucson, AZ

F. Ann Rodriguez
Pima County Recorder

Document Recording: (520) 740-4350
Voter Registration: (520) 740-4330
Fax: (520) 623-1785

<http://www.recorder.pima.gov>

Recording history one document at a time.

MEMORANDUM

TO: Honorable Richard Elfas, Chair
Honorable Ann Day, District 1
Honorable Ramón Valadez, District 2
Honorable Sharon Bronson, District 3
Honorable Ray Carroll, District 4

FROM: F. Ann Rodriguez
Pima County Recorder 

SUBJECT: RECORDER'S EARLY BALLOT PROCESS

DATE: February 20, 2008

C: C. H. Huckelberry, County Administrator
Christopher J. Roads Chief Deputy Recorder/Registrar of Voters
Robert M. Sarich, Assistant Chief Deputy Recorder

The Pima County Recorder's Office 2008/2009 fiscal year budget has been submitted to the Pima County Administrator and the Finance Department. This department is affected by the current economic slowdown experienced throughout the regional economy, and most notably in the real estate and homebuilding industry. This impact has been reflected in the reduction of our anticipated revenue projections by \$550,000 for the remaining current budget cycle. In addition, we have also reflected lower anticipated revenue for the 2008/2009 budget cycle.

Throughout my tenure, there has always been a concentrated effort to modernize, streamline and computerize the services provided by the Pima County Recorder's office to the taxpayers of Pima County.

I have had several meetings and conversations with the County Administrator beginning in December 2006 to discuss the logistical issues surrounding the increasingly popular vote-by-mail process, including operational venues and other options. As the population in Pima County continues to grow, the impact on this process has become a major concern for the 2008 election cycle. I am attaching a statistical breakdown of early voting since 1996. As you can clearly see from this table,

Honorable Board Members
February 20, 2008
Page 2 of 4

early voting has increased dramatically over the years. We anticipate sending out 500,000 early ballots for the 2008 election cycle: 200,000 for the Primary Election and 300,000 for the General Election.

On January 1, 2008, the voter registration figure in Pima County was 465,048. As of February 19, 2008, that figure is now 474,848, an increase of 9,800 in less than two months. I project that for the 2008 Presidential Election cycle, Pima County's figure will be 500,000 registered voters or more. In the next decade, these numbers will continue to grow.

During the last legislative session, state law was amended to allow voters to be placed on a permanent early voting list to automatically receive a vote-by-mail ballot for all elections in which a voter is eligible to vote. Notification of this information will be mailed to all registered voters in Pima County beginning in mid March 2008 during our mandated cleanup of the voter registration roll.

This statistical summary clearly suggests a serious review of options available to streamline the vote-by-mail process. Our current process is very arduous, labor-intensive and logistically challenging, since ballot assembly, quality control checks and out-bound mailing requirements are all conducted in multiple sites. In light of this, the County Administrator has suggested a viable alternative to our current process, which is to research the feasibility of having Runbeck Election Services provide their ballot mailing services to Pima County.

Members of the Recorder's administrative staff and I scheduled several visits to the Runbeck Election Services operation in Tempe to observe their automated process used for the vote-by-mail programs. We witnessed the assembly of vote-by-mail ballots for Maricopa County voters for the Presidential Preference Election. The Maricopa County Recorder's office has been using Runbeck Election Services for their vote-by-mail program for several years, and most recently the City of Tucson used their services for their 2007 election cycle.

Runbeck Election Services has been in business for over 21 years printing ballots for elections in Arizona and other states. Runbeck Election Services is the vendor who has been printing Pima County ballots for several years.

After several onsite visits and comparing their automated system to our current process, it became clear from the beginning that the Pima County Recorder's office should not attempt to keep up with the ever-changing technology, not to mention the initial capital investment that would be necessary to replace our current equipment, and the future ongoing expenditures to keep the technology and equipment up to date. Such a continuous outpouring of funds cannot be justified. The Pima County Recorder's office was never intended to be a professional mailing house. I concur with the County Administrator and have made the decision to enter into a contractual agreement with Runbeck Election Services to mail all of Pima County's vote-by-mail ballots beginning with the upcoming 2008 Presidential Election cycle. The Pima County Recorder's office will continue to receive all returned

voted early ballots for signature verification and subsequent transfer to the Division of Elections for counting.

In addition to the improved automation and time savings benefits, there are other issues that should also be considered, including, but not limited to:

Security of Ballots:

1. Runbeck Election Services has multiple cameras on-site viewing the ballot assembly area. There is a ballot room security guard monitoring the cameras with the closed circuit monitoring system.
2. Magnetic key card access is required.
3. Redundant fire suppression system throughout their facility.

Ballot Assembly:

1. Highly accurate and reliable alternative to the time consuming and potentially error-prone manual process for this increasingly popular voting method.
2. This automated system eliminates costly errors by integrating the assembly, insertion and printing of ballot envelopes into a single streamlined process.
3. Technology and barcode scanning results in multiple accuracy checks that verify inclusion of all required material and ensures that the correct ballot is inserted into each envelope.
4. Their production rate can exceed 7,000 ballot packets per hour, whereas our capacity is about 1,000 ballot packets per hour.

Ballot-On-Demand for Early Voting Sites:

1. The Sentio ballot printing system automatically produces the exact quantity of ballots needed, eliminating the need to store thousands of pre-printed ballots, as well as significantly reducing the waste of materials and funds when excess ballots must be discarded.
2. Eliminates human error in selecting and handling ballots.
3. Ballots are scanned to verify accuracy.

Honorable Board Members
February 20, 2008
Page 4 of 4

4. Ballot generation is controlled and monitored, and every ballot is accounted for.
5. Provides a verifiable audit trail of all requests printed.

United States Postal Service – Planet Code Tracking:

1. Applies the most advanced postal bar codes to enable real-time tracking of ballots while in the mail stream.
2. Online access for ballot status offers real-time, round-the-clock web retrieval of mail piece status, enabling quick and accurate responses to voter inquiries.
3. On-site postal representative for processing ballots into the mail system.

One final benefit of using Runbeck Election Services is that the Pima County Division of Elections would not be required to order the thousands of additional ballots used in early voting sites and for vote-by-mail packets, thereby saving thousands of dollars. I have listed on our current budget proposal the rental cost for the ballot-on-demand printers for all of our early voting locations. Since the Division of Elections will not be required to order so many ballots, I recommend that the cost for these printers be shared by both departments via an interdepartmental transfer of funds initiated by our department. This proposal needs to be discussed with the County Administrator.

Conclusion:

The Pima County Recorder has concluded that this operational change will improve the vote-by-mail process and processes used in our early voting locations, and reduce the potential for human error experienced with the current labor-intensive process. I am convinced, as well as members of my staff, that this state-of-the-art automated service for the vote-by-mail program will improve the service to our voters and will be viewed as a logical and progressive step toward modernizing our program.

If you or members of your staff would like to schedule a visit with me to the Runbeck Election Services facility, please let me know and I will be happy to make arrangements. If questions arise, please feel free to call me at ext. 4356.

FAR:ssb

08MEM019

Attachment

Pima County Recorder's Office
F. Ann Rodriguez, Recorder

Early Voting Statistics

<i>Election</i>	<i>Primary/ General</i>	<i>Early Ballots Requested</i>	<i>Early Ballots Returned</i>	<i>Percent Returned</i>	<i>Satellite Voters</i>
1996 Presidential	Primary	22,080	16,873	76%	*
	General	73,242	64,947	89%	*
1998 Gubernatorial	Primary	18,328	14,831	81%	*
	General	60,246	52,224	87%	*
2000 Presidential	Primary	27,386	22,988	84%	*
	General	121,422	111,069	91%	*
2002 Gubernatorial	Primary	38,587	30,413	79%	1,513
	General	114,487	99,926	87%	3,092
2004 Presidential	Primary	55,679	40,689	73%	1,569
	General	172,193	156,293	91%	16,975
2006 Gubernatorial	Primary	50,985	42,392	83%	2,255
	General	167,979	148,489	88%	5,315
2008 Presidential	PPE	40,378	36,608	91%	2,276
	Primary				
	General				

* Included in "Requested" and "Returned" categories.

Attachment 8



MEMORANDUM

Date: March 7, 2008

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

From: C.H. Huckelberry
County Administrator

A handwritten signature in black ink, appearing to be "CHH", is written over the typed name "C.H. Huckelberry".

Re: Presidential Preference Election of February 5, 2008

Background

At the special meeting to canvass the Presidential Preference Election, the Board requested a report regarding reported difficulties or problems with the Presidential Preference Election. Most of the media-related problems involved: A) wait time or long lines at certain selected polling places, B) criticism of poll workers, and C) lack of timely election results. This memorandum will discuss each of these highlighted issues and indicate what steps will be taken or why the Presidential Preference Election will be dissimilar from the upcoming Primary and General elections of 2008.

Polling Places Limited by Statute

The Presidential Preference Election guidelines, requirements and funding are set by the State of Arizona. Arizona Revised Statute § 16-248C limits the number of polling places to no more than one-half of the normal polling places open during any countywide election. In Pima County, 190 polling places were open on election day. Of these 190 polling places, we are aware of only five that had a wait time in excess of one hour. Most polling places did have lines throughout the day, with the average wait time to vote being approximately 15 minutes.

Causes of Polling Place Delays

Delays at the polls can be attributed to two factors other than simply the limited number of polling places.

First, unlike a primary election, Independents cannot cast a ballot in a Presidential Preference Election. A large number of Independents showed up at the polls attempting to cast a ballot, hence they were required to cast provisional ballots which were later invalidated by the County Recorder. In this Presidential Preference Election, approximately 12,400 provisional ballots were processed, both regular provisional ballots as well as conditional provisional ballots; 6,914 of these ballots were not valid.

The Honorable Chairman and Members, Pima County Board of Supervisors
Presidential Preference Election of February 5, 2008

March 7, 2008

Page 2

Conditional provisional ballots are those that are cast when a voter appears at a polling place with no valid identification. Regular provisional ballots are processed for a number of other reasons. The number of provisional ballots cast was twice that of a typical large-turnout election. The large number of provisional ballots and their processing took away from the poll workers being able to process qualified voters through the polling place.

The second cause for the delays or lines at the polls occurred when voter identification was processed. Again, a number of voters did not provide correct, statutorily required identification. This identification confusion also contributed to the lines at polling places.

Poll Worker Criticism

Poll workers are dedicated, hard-working individuals. Their work on Election Day is long (as much as 15 hours), and sometimes stressful. Criticism of our poll workers is largely unfounded. Poll workers, all 1,300, attend a 90-minute training class prior to service on Election Day. An additional 90-minute class was conducted for 360 poll workers regarding the touchscreen voting devices. Most poll workers have worked a number of elections, hence they are veteran poll workers. For their hard work and dedication they deserve our thanks, not criticism.

Lack of Timely Election Results

Security processing modifications stated in my October 19, 2007 memorandum to the Board resulted in predictable delays in election results. First, there was a discussion regarding the counting of early votes beginning on the Sunday before the Tuesday Presidential Preference Election. This early vote processing was later than normal, but earlier than what we had planned on for the Primary and General elections of 2008. The Democratic Party objected to beginning early vote processing on Sunday. The County agreed to delay early vote processing until 8:00 a.m. on Tuesday, February 5, 2008, on Election Day.

Before early ballot processing could begin, a number of trouble calls were made to the elections counting center as a number of optical scanning devices had failed at the polling places. As many as 8 optical scanning devices had failed either due to actual failure of the memory cards, or because of mechanical failure of the equipment itself (32 of the optical scan devices failed in pre-election testing). It should be remembered in my October 19, 2007 memorandum, that I recommended that the Board consider replacing this equipment as it is near the end of its useful life. The higher than normal number of failures of the optical scanning devices points to replacement need. In any event, election protocol regarding the reprogramming and/or modifications to the optical scanning devices requires that any repair or replacement of parts in the optical scanning equipment must be done under party observation. Hence, the failed devices were returned to the counting center by elections staff and repaired under observation and resent to the polls. This resulted in polling place ballot scanning delays, but did not impact voters as their ballots were collected and stored for later processing in accordance with standard procedure. It also impacted technical staff to the point that no early ballots were counted until February 7, 2008.

The primary cause of lack of results after close of polls related to the change in procedure wherein election results are not modemed to the central counting station. The optical scanning devices and ballots are physically transported to the central counting center, where the memory cards are downloaded directly into the tabulating computer. Hence, due to election day delay in counting early ballots and the lack of modeming in polling place results, substantial election results were not initially known until after 10:30 p.m. A majority of precinct election results were tabulated and counted by 3:30 a.m. on February 6, 2008.

For the Board's information, I am also enclosing a report I received from the Elections Director, Brad Nelson, regarding lessons learned from the 2008 Presidential Preference Election. It is Attachment 1. I am also enclosing as Attachment 2, a copy of a February 28, 2008 memorandum from the County Recorder regarding provisional ballots. Finally, I am enclosing as Attachment 3, the training sheet for poll workers related to proof of identification at the polls, and when to cast a standard ballot, a provisional ballot, or a conditional provisional ballot. This procedure has been reduced to pictorial form. Also for the Board's information is an actual copy of a standard provisional ballot and a conditional provisional ballot.

Recommendations

1. **Increase the number of polling places for a Presidential Preference Election** - Petition for legislation to modify state law regarding presidential preference elections, particularly regarding the number of polling places allowed. Such should be a local decision based on local conditions, not an artificial cap imposed by the state. In addition, the statute allows cost reimbursement at \$1.25 per eligible Presidential Preference Election voter to the counties. The \$1.25 rate is over 10 years old. The rate should be adjusted by statute to increase the rate of reimbursement to reflect the new identification at the polls requirement as well as HAVA compliance.
2. **Voter identification pre-clearance.** To eliminate the confusion and delay in the polling lines, the County will add an additional poll worker to each precinct with the title of "Voter ID Clerk." Essentially, it will be the job of this poll worker to pre-clear voter identification for individuals entering the polling place prior to checking in at the signature roster station. These Voter ID Clerks will be trained specifically on voter identification requirements. The voter, once pre-cleared, will be given a voter identification slip so no further identification processing is required by regular poll workers. The additional training should also eliminate the number of conditional provisional ballots that were issued during the Presidential Preference Election when in fact the voters should have been issued a normal provisional ballot, particularly those who showed a valid Arizona drivers license but probably an incorrect address (see Recorder's February 28, 2008 memorandum).

3. Proficiency Testing for Poll Workers. The Elections Director will be initiating a poll worker training academy to address some of the poll worker training concerns. The academy will cover substantially more than the 90-minute training now given. It will include 12 to 15 poll workers per class who will attend and be paid for eight hours of hands-on training in all aspects of polling place administration. These workers will be subject to a proficiency exam and compensated at a pay rate more than the traditional poll worker. Those who pass the exam will be eligible to attend an abbreviated poll worker class prior to the fall 2008 elections.
4. Additional poll worker training by video. The Division of Elections will also produce a training film covering again all aspects of the various rules and obligations of poll workers. The video will result in a DVD for poll workers to take home and view prior to service on Election Day. This will be in addition to their normal training.
5. Election Day assignment of County employees as Election Day technicians. Presently for the Primary and General elections, specifically those in 2006 and again for 2008, a number of County employees are assigned as Election Day technicians. The largest assignment of County employees for the 2006 Primary and General elections was in the area of election security, particularly related to information technology systems. These same employees will be used for the General Election of 2008. In addition, a number of other County employees will be utilized as Election Day technicians, particularly for the setup and takedown of election equipment at polling locations, and the important transport of optical scanning devices containing election results, all under party observation, to the central counting tabulation location.

CHH/jj

Attachments

- c: The Honorable F. Ann Rodriguez, Pima County Recorder
Dr. John Moffatt, Office of Strategic Technology Planning
Christopher Straub, Chief Civil Deputy County Attorney
Brad Nelson, Manager, Division of Elections

Attachment 1



MEMORANDUM

DIVISION OF ELECTIONS

TO: Chuck Huckelberry, County Administrator

FROM: Brad R. Nelson, Director *BRN*

DATE: February 27, 2008

SUBJECT: Lesson learned from the 2008 Presidential Preference Election

On February 14, 2008 the Pima County Board of Supervisors meet to canvass the February 5, 2008 Presidential Preference Election (PPE). During the proceedings, a few Board members suggested that a report concerning problems at the polls be compiled in order to assess the election and, as needed, make improvements for future elections.

This memo and its attachments will hopefully provide the information requested by the Board.

To my knowledge post election comments/criticisms have centered on three separate issues. As follows:

Wait time/ lines at the polls – Of the 190 polling places on Election Day I am aware of only five that had a wait time in excess of one hour. Most polling places did have lines throughout the day. However, based on observations from the Election Day troubleshooters and my own visits to polling places, the average wait time was 15-20 minutes.

I believe that wait time / lines can be largely attributed to the approximately 8200 people attempting to vote at the polls who apparently were not eligible to vote that day. I base my belief on the fact that 8200 provisional ballots, out of approximately 12,000 cast, were not verified for count. That equals to an average of 43 people in line at each and every polling place who likely should not have been there.

Poll Workers – Comments/criticisms regarding poll workers usually noted that they were senior citizens who were poorly trained, slow, overwhelmed, etc.... There is no doubt that it was a very busy day for our poll workers and very small number of them may have been slow and/or overwhelmed. I challenge anyone, of any age, to work for 15 hours straight, with few breaks, in an often stressful situation and not be overwhelmed. Regarding poll worker training, 1300 poll workers attended a 90 minute class prior to their service on Election Day. An additional 90 minute class was conducted for 360 poll workers regarding the use of the touch screen voting device.

Though there were a few first time poll workers on February 5; 99% of the poll workers were previously trained veteran poll workers.

The need for voters to show ID prior to receiving a ballot is still a challenge for poll workers and voters alike. The issue most often becomes a problem when a voter presents ID that does not match the roster. Or when the voter presents a passport or military ID (neither are acceptable as ID for voting purposes). The lack of acceptable ID also contributed to the wait time/ lines at the polls.

Voters Names not reflected on the Roster – By statute only voters affiliated as a Republican or Democrat were eligible to vote on February 5. Voter's who appeared at the polls who were not affiliated as a Democrat or a Republican were not included on the roster. This led to many voters and some poll workers to the conclusion that the rosters had omitted voter's names in error. I cannot confirm that the rosters were complete. However, each roster used on Election Day was certified by the County Reorder as being "complete and correct".

The lessons learned from the recent PPE may not be completely applicable to the upcoming 2008 fall elections. This fall the polling places will return to there historic locations and the rosters will reflect all voters regardless of affiliation.

However, some of the lessons will be applicable. Such as the continuing need for voters to serve as Election Day poll workers. This need might be meet by assigning county employees as poll workers. Coconino County has assigned county employees serve at the polls since 2006.

An additional lesson learned from the February 5 election is the need to focus additional training concerning the requirement for voters to present ID at the polls.

It is my intention to initiate what I am tentatively calling a Poll Worker Academy to address some of the poll worker training concerns. The academy would have a class size of approx 12-15 poll workers who would attend 8 hours of hands on training involving all aspects of polling place administration. At the completion of the class each student would be subject to a written test. Those that pass the test become certified poll workers and may attend an abbreviated poll worker class prior to the fall elections. Their certification would only last for one year.

I am also requesting funds in the 08/09 budget for the production of a DVD that poll workers could view prior to their service on Election Day. The DVD would provide the necessary information poll workers need to assist voters at the polls.

Regarding the process of showing ID at the polls – it is my intention to have a poll worker whose sole task is to compare IDs to the information on the roster. This "Voter ID Clerk" would be the first poll worker a voter would meet upon entering the polls. Depending on the number of voters eligible to vote at a polling place; there may be

more than one Voter ID Clerk per polling place. The Voter ID Clerk would issue each voter a slip denoting the status of the Voters ID and direct the voter to the next step in the process. A sample "Voter ID Slip" is attached for your review. In theory this process should also lessen the probability of lines at the polls.

Voter Education regarding the need to present ID at the polls is a continuing challenge. Pima County Elections purchased a multimedia (print, radio and TV) voter education campaign in 2006 as ID at the polls became law. It did not get much play in 2006 but we relied on the media to print/broadcast for free. It is my understanding that the State has produced a multimedia campaign concerning ID at the polls for 2008. I hope to acquire permission to broadcast that campaign in the Tucson media as the fall elections approach.

Attached you will:

Articles and opinions from both local and national media.

Email communication from Coconino County concerning the assignment of County Employees as poll workers.

A table depicting the number of eligible voters, number of assigned poll workers and number of provisional ballots cast for each 2008 PPE polling place.

VOTER ID SLIP

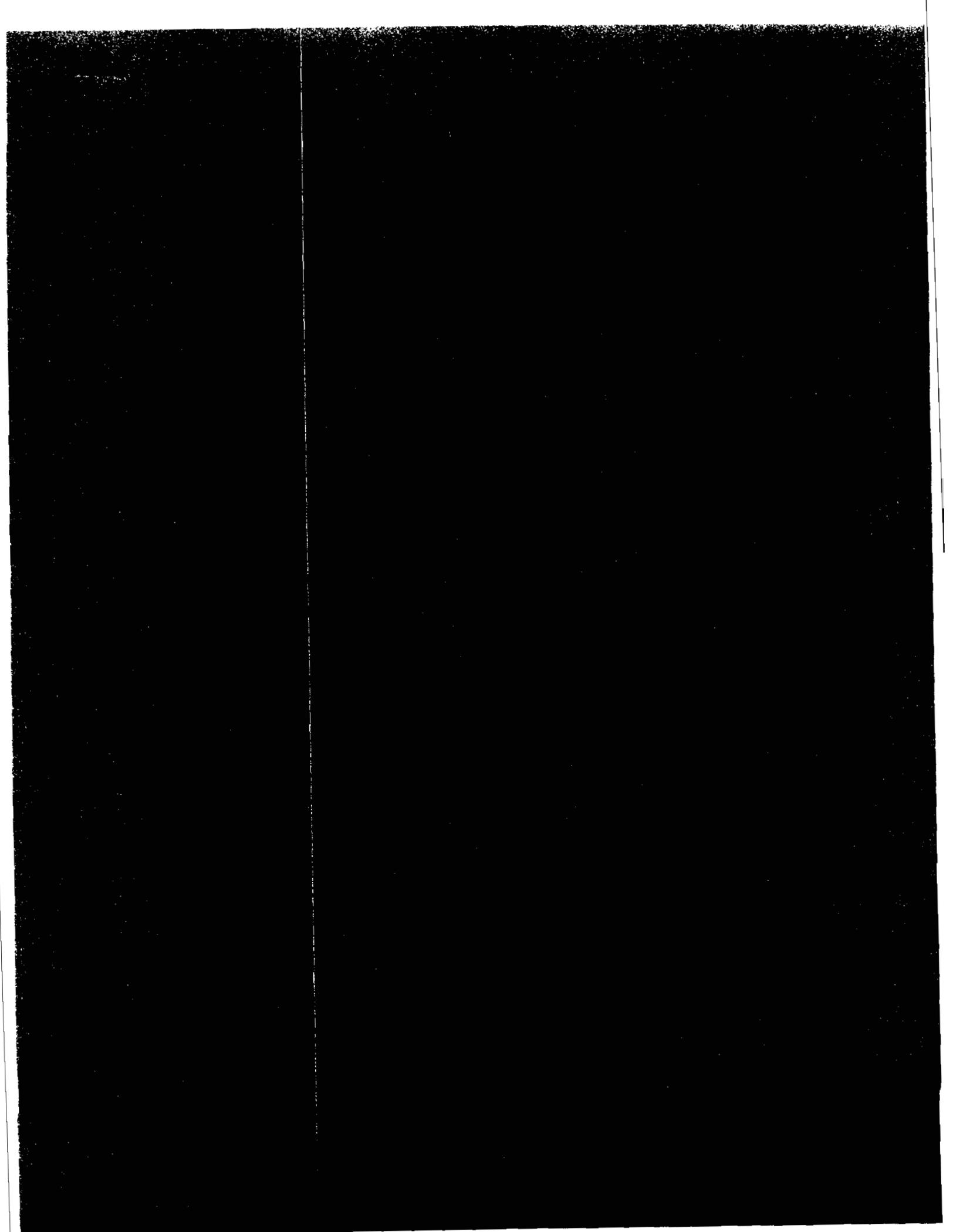
PRIM GEN SPECIAL DATE _____

Register No. _____

- Voter presented acceptable ID with name and address of elector matching the precinct register.
- Voter presented acceptable ID with name and/or address of elector NOT matching precinct register. Voter directed to the Special Situation Table to vote a Provisional Ballot.
- Voter DID NOT present acceptable ID. Voter directed to the Special Situation Table to vote a Conditional Provisional Ballot.

Voter ID Clerk initials _____

QC-07-06



Brad Nelson

From: Hansen, Patricia [PHansen@coconino.az.gov]
Sent: Wednesday, February 20, 2008 1:59 PM
To: Brad Nelson
Subject: RE: county employees as poll workers?

Brad,

We use county employees at all of our polling places now. They are called Election Day Technicians (EDTs) and they are responsible for the touchscreen voting units and they do the majority of the ID checking. We don't have them sign any type of form to work. We have a weekly e-mail newsletter for the county and we put in a request for help in it about a month and a half before the election. They e-mail or call our office to sign up.

The Board of Supervisors passed a resolution in 2006 that said that the county employees that work on election day will get their normal 8 hour pay for the day. In addition we issue them a separate check for \$140. This comes out the Elections office's temporary employee budget. It is different than our poll worker account.

Department heads, deputy county managers and elected officials do not get paid the \$140. Coconino County has required appointed department heads to work as troubleshooters at our polling places on the reservation for over 10 years. The county managers have always told them that this is required under "other duties as assigned".

They are required to attend a 4 hour training session prior to working. Several of the departments allow them to attend the training sessions during their work day, but we also offer a few at night for those that cannot take the time off from work to attend.

We get terrific support from our Health Department, County Manager's Office and Adult Probation. We have a few departments such as Parks and Rec and Community Development that have not been supportive of the effort, but we are working on them. I have found the probation officers are terrific. They say the day working at the polls with voters is much easier than working with felons all day.

We are working with our new HR Director to come up a county policy for the HR Policy Manual.

Attached are a couple policies from other counties that have a HR policy.

I hope this is the information needed. Please let me know if you have any questions.

Take care.

Patty Hansen

Coconino County Elections Administrator
110 E Cherry Ave
Flagstaff, AZ 86001
928-779-6589
FAX# 928-779-8739

From: Brad Nelson [mailto:Brad.Nelson@pima.gov]
Sent: Wednesday, February 20, 2008 10:45 AM
To: Hansen, Patricia
Cc: Mary Martinson; Evelyn Bustamante
Subject: county employees as poll workers?

Hi Patty – I seem to recall that Coconino utilized county employees to work at the polls for past elections. Is that so?

If so, is there a form of some variety that the employee signs to reflect their understanding of how they will be compensated? Do they receive a separate check for their Election Day work, or is their Election Day pay included

2/27/2008

in their regular paycheck? Do the employees take a vacation day off to work on Election Day?

Any other info you can provide on the topic would be appreciated. I look forward to hearing from you.

Thanks.

Brad R. Nelson, Director
Pima County Elections
520.351.6830

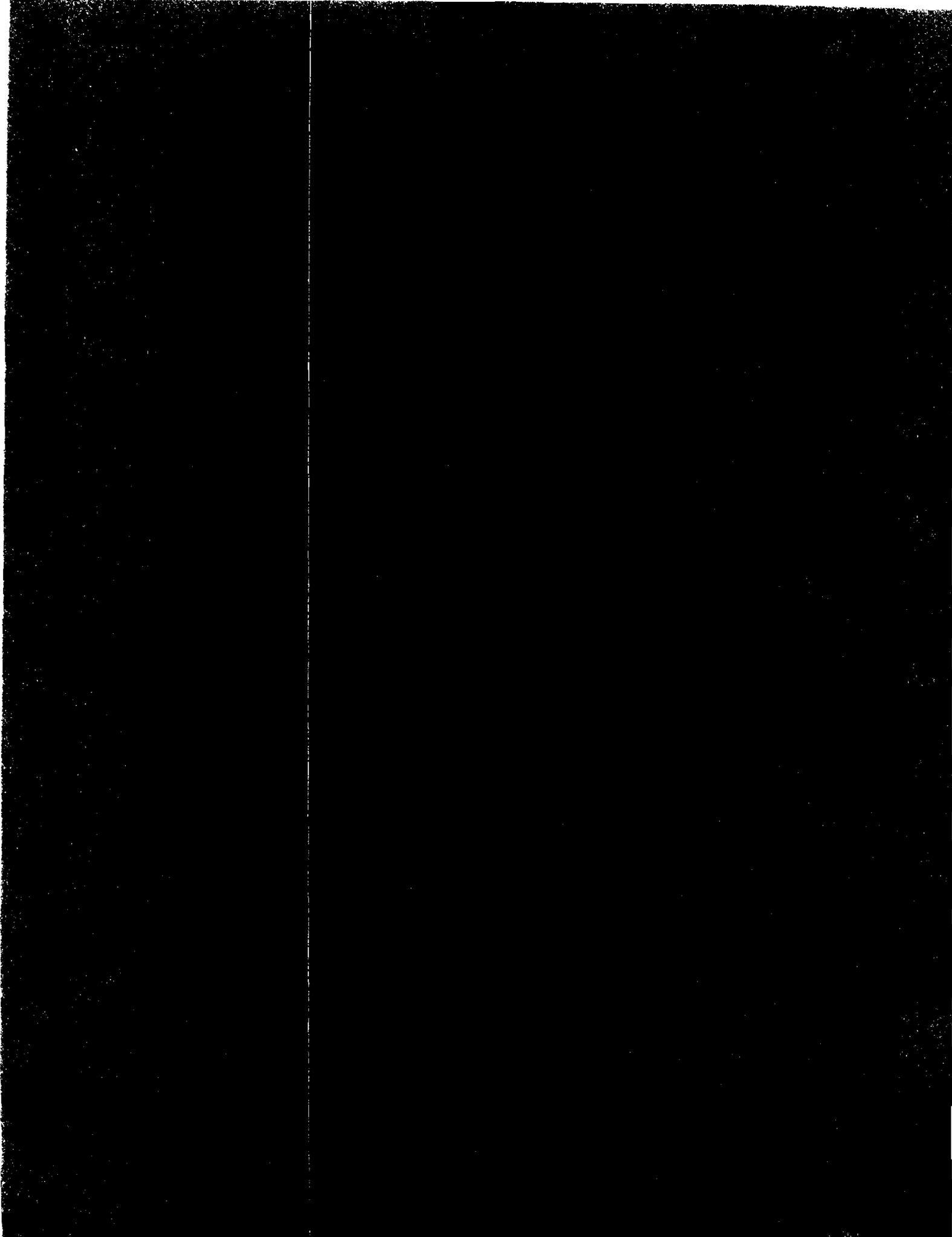
PRESIDENTIAL PREFERENCE ELECTION**FEBRUARY 5, 2008**

VOTING AREA	REGISTERED VOTERS	NUMBER OF BOARDWORKERS	NUMBER OF PROVISIONALS
001	1,115	8	18
002	181	8	0
003	996	4	20
004	1,055	7	10
005	1,617	5	76
006	354	7	4
007	2,124	6	104
008	2,777	8	100
009	3,736	6	160
010	2,164	6	63
011	1,553	6	72
012	3,392	7	146
013	2,113	6	90
014	2,596	8	112
015	1,935	6	87
016	2,489	7	106
017	1,844	8	98
018	1,994	8	58
019	1,538	6	47
020	3,301	8	113
021	1,813	7	60
022	2,900	8	128
023	1,842	7	51
024	2,713	7	117
025	2,387	6	107
026	1,793	8	52
027	1,955	7	60
028	1,999	7	66
029	1,139	7	0
030	1,591	6	46
031	1,016	7	55
032	2,252	8	14
033	1,176	6	31
034	2,414	8	102
035	1,308	8	71
036	427	6	16
037	1,133	7	77
038	1,708	6	94
039	1,288	8	31
040	1,335	6	81
041	1,922	6	66
042	1,393	7	35
043	2,721	7	75
044	2,793	9	89
045	2,023	8	97
046	773	7	52
047	1,683	8	75
048	1,241	7	62
049	1,527	7	137
050	1,571	8	43
051	1,293	7	54
052	1,429	7	73
053	958	7	33

VOTING AREA	REGISTERED VOTERS	NUMBER OF BOARDWORKERS	NUMBER OF PROVISIONALS
054	1,581	6	75
055	1,350	6	54
056	1,508	6	66
057	1,588	7	72
058	1,717	6	66
059	1,328	6	64
060	1,513	8	49
061	2,550	8	64
062	1,520	6	54
063	1,889	6	68
064	1,997	7	74
065	3,303	7	63
066	1,741	7	57
067	2,109	9	51
068	2,283	6	87
069	2,110	7	74
070	2,242	8	67
071	2,037	7	89
072	1,450	7	70
073	1,875	6	24
074	1,635	7	70
075	1,494	6	34
076	1,476	6	50
077	1,005	7	0
078	1,431	8	78
079	2,588	7	126
080	1,722	8	50
081	1,298	7	59
082	1,701	7	43
083	1,353	7	49
084	2,266	7	52
085	2,628	7	94
086	2,833	7	87
087	1,874	7	78
088	1,316	7	46
089	2,274	7	99
090	2,226	8	58
091	2,033	6	47
092	2,125	7	52
093	222	6	8
094	160	5	15
095	139	5	1
096	439	7	59
097	456	6	13
098	3,067	8	100
099	765	6	36
100	2,759	6	124
101	2,052	6	51
102	2,296	8	122
103	3,036	8	140
104	1,492	7	78
105	409	6	16
106	2,039	8	104
107	1,422	8	71
108	2,935	7	92
109	1,044	5	54

VOTING AREA	REGISTERED VOTERS	NUMBER OF BOARDWORKERS	NUMBER OF PROVISIONALS
110	1,650	6	55
111	2,635	7	102
112	1,870	6	42
113	1,687	6	21
114	3,107	9	99
115	2,469	8	49
116	1,717	6	39
117	3,067	8	110
118	1,864	7	64
119	1,141	6	48
120	1,935	7	67
121	968	7	26
122	1,849	7	32
123	2,168	8	101
124	2,163	6	91
125	2,867	8	94
126	329	6	21
127	1,681	6	35
128	789	6	44
129	3,057	9	91
130	2,365	7	69
131	2,077	7	74
132	1,710	7	54
133	3,152	8	96
134	2,073	8	90
135	1,107	7	32
136	2,021	7	87
137	1,863	6	61
138	2,643	8	44
139	1,011	7	57
140	2,542	6	57
141	1,827	6	79
142	529	7	36
143	2,551	7	47
144	2,155	6	0
145	2,153	7	75
146	982	6	50
147	1,962	7	116
148	2,327	7	95
149	2,405	8	125
150	704	4	16
151	2,010	7	55
152	1,208	6	31
153	2,594	8	75
154	1,771	7	56
155	1,940	9	91
156	1,498	7	51
157	1,632	7	39
158	106	4	13
159	1,458	9	34
160	304	5	9
161	2,422	6	91
162	1,530	6	39
163	1,242	7	56
164	826	6	35
165	2,057	7	48

VOTING AREA	REGISTERED VOTERS	NUMBER OF BOARDWORKERS	NUMBER OF PROVISIONALS
166	1,402	8	85
167	1,081	6	65
168	2,681	8	85
169	576	6	41
170	2,206	6	83
171	1,032	8	31
172	1,064	7	38
173	2,043	7	106
174	1,171	6	86
175	2,273	6	100
176	1,088	6	38
177	918	6	35
178	2,426	7	98
179	900	6	37
180	1,980	8	84
181	1,370	8	50
182	2,380	8	62
183	2,333	8	79
184	2,224	6	89
185	2,380	6	81
186	1,764	5	6
187	1,688	6	94
188	1,138	6	57
189	987	6	59
190	1,378	7	41
TOTALS:	334,344	1,299	12,122



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Published: 02.07.2008

Casting ballot shouldn't be a bad experience

Our view: Some issues could be solved by improving quality of election workers

Too few polling places, slow and incompetent election workers and faulty machines in Pima County coalesced Tuesday into a presidential preference election that left many voters out in the cold.

The problems are unacceptable and must be fixed before the November general election.

The stories of election-day misadventures were plentiful:

- Voters went to their regular polling places only to find they needed to go somewhere else.
- Thousands of would-be voters were told their names weren't on the official voting rolls.
- Election workers at some polling places were so slow in verifying voters' identities that lines extended out the door while voting booths stood empty.
- Voters reported election workers befuddled by identification requirements and the procedure for casting provisional ballots.
- Optical scan machines failed, so some voters were told to leave their ballots with election workers.

All of these problems have explanations. But the fact remains that qualified voters who wanted to cast their ballots could not or did not.

This must not happen again.

A major factor in the problems is the odd nature of the Arizona presidential preference election. The Legislature created the presidential preference system in 1995. It dictates the number of polling places according to the number of registered voters in a county. According to the rules, Pima County could have half as many polling locations as normal.

Pima County could have asked the secretary of state for more polling places but it didn't.

The presidential preference election is the one election where the state reimburses the counties for costs. The rate is set in statute is \$1.25 per registered voter, so cost also places limits on how many polling stations the county can operate.

An estimated 12,000 provisional ballots were cast.

While other states allow voters registered as independent, no party, Libertarian or Green in their primaries, Arizona does not. Only registered Democrats and Republicans can vote in our election. This rule does not apply to local primary elections.

Pima County Recorder F. Ann Rodriguez said that voter rolls purposely didn't include ineligible voters.

However, independent voters across Arizona still went to the polls. Workers at at least one precinct were told to re-register on the spot as a Democrat or Republican, cast a provisional ballot and maybe it would count — it won't.

The county could save time for itself and voters by including the names of independents and other non-eligible voters on the rolls. They would still be ineligible to cast a ballot, of course, but the poll worker would be able to tell the voter exactly why he or she cannot vote.

Voters bear some responsibility for going to the wrong voting location. Sample ballots and cards sent from

the elections division contain poll information and ID requirements and should be checked for changes.

The party-only nature of the election was explained in media coverage and in advertisements. Identification requirements are also available at the elections division Web site: www.co.pima.az.us/elections.

The rules for verifying IDs have changed substantially in recent years and that alone is causing delays on election day.

But the most distressing problem involved molasses-slow and inept election workers. Most are capable but even a few unskilled poll workers causes big problems.

Simply put, we need better poll workers. The training offered is clearly not enough.

The county typically takes whoever it can get for the job — and it usually has to scramble to find people. The job has gotten more stressful and it's a minimum 14-hour day.

The way to improve elections is to improve poll workers. County Administrator Chuck Huckelberry said Wednesday a recent state law allows the county to hire 16- and 17-year-olds as election workers.

Teenagers can't be the best answer. We believe adults are more capable of handling situations that haven't even been considered.

Companies should consider allowing their employees to work the election without having to take unpaid time off or a vacation day. This would increase the pool of possible election workers.

Other systemic problems may, and likely will, arise with elections. But the quality of election workers is a problem that must be solved before the general election in November.

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Voters, not poll workers, slowed process

The following letters are in response to the Feb. 7 editorial "Casting ballot shouldn't be a bad experience."

Unappreciated election workers

After reading the editorial, I had to ask myself if I'm one of those old, decrepit, slow-as-molasses poll workers who worked a 14- to 15-hour day with a 10-minute lunch period. I'm willing to bet if the Star writes a few more insulting pieces like this, Arizona will be looking for poll workers south of the border.

I really enjoyed the Star's idea of corporations allowing their employees to take an unpaid day off to volunteer on Election Day. I wonder just how many of the Star's employees will be given this option? Just be sure to tell them not to bring a big lunch because they'll only have a brief amount of time to eat. They must also be willing to take abuse from voters with a smile and try to explain to a supposedly mature adult what a "closed primary" means.

Walt Jakubin
Marana

Criticism unfair

Having been an elections poll worker for several years, I take offense at the Star's editorial that said, "Some issues could be solved by improving quality of election workers."

To a limited extent, I agree that a small number of poll workers need to improve, but unless you have actually worked as a poll worker, you are clueless to what is involved in our county election process.

For example, we are issued, by law, only one set of the poll roster and only one set of the official poll list. Names in the poll roster must be looked up and then the voter's name must be handwritten into the poll list before a ballot is issued.

Unless the county goes to an electronic method of scanning the poll roster to find and list each voter's name, lines will be a problem.

I don't remember the people in Iraq complaining about how long they waited in line. We Americans are indeed spoiled.

Paul O. Ostrowski
Retired, Tucson

Public ignored voting rules

The Star wrongfully casts stones at the poll workers. Voters were told in the media that only registered Republican and Democrat party members could vote. There was a big campaign by each party to re-register no-party voters. Party members work hard and contribute for the privilege to select their presidential candidate.

Many would-be voters rejected our tireless efforts to re-register them but showed up in line to vote anyway. We hope they will return for the September primaries and the November general elections, when they can vote for any party.

Written notification of their voting locations was given to party members. More voters than workers were befuddled by the ID requirements, despite numerous media instructions. If an optical scan machine fails, there is a compartment inside the black ballot box to insert the ballot, where it will be secured and counted later.

Virginia A. Love
Retired teacher, Tucson

HOW TO COMMENT

The Arizona Daily Star welcomes original letters and guest opinions with ideas, viewpoints, criticism and news analysis that encourage discussion on issues that have an impact on the community.

E-MAIL LETTERS TO: letters@azstarnet.com (no text attachments please)

WRITE TO: P.O. Box 26807, Tucson, AZ 85726-6807.

PLEASE INCLUDE: Author's full name, address, daytime phone, occupation and e-mail address. Facts must be annotated and easy to verify. Letters containing facts that cannot be checked will be rejected.

FREQUENCY: Any author may have a letter or guest opinion every 30 days.

SUBMISSIONS: Letters should be on a single topic, no more than 150 words. Guest opinions can be up to 500 words. Guest opinions should include a line describing the author and a head-and-shoulders photograph.

Submissions may be edited for clarity or length. All submissions become property of the Arizona Daily Star.

Only original material bearing the writer's name and sent exclusively to the Arizona Daily Star will be accepted for publication.

Super confusion at Arizona polls

Anne Ryman and Shaun McKinnon
The Arizona Republic
Feb. 5, 2008 04:30 PM

Super Tuesday turned into super confusion today for many voters participating in Arizona's presidential primary as frustrating questions arose about party registration, mail-in ballots and polling places.

Reports surfaced almost immediately this morning about voters who were turned away or forced to cast a provisional ballot because their names did not appear on the voting roster.

Even more common, some voters were told they had requested and received an early ballot. They were instructed to fill out a ballot that would not be counted until election officials could verify it was not a duplicate.

And some polling places seemed ill-prepared to handle the extra traffic created by the consolidation of precincts.

All three issues caused confusion at many polling places, creating delays during busy periods in the morning and during the noon hour. Additional delays are expected early this evening when people finish work and stop to vote. Polls close at 7 p.m.

By 10:30 this morning, election workers at Val Vista Lakes in Gilbert had accepted 49 provisional ballots, according to elections inspector Joyce Jordal, who described turnout as higher than she's seen in 15 years of working at the precinct.

Among those forced to cast a provisional ballot at Val Vista Lakes was Todd Wood.

"I've voted at this precinct for the last 13 years and they didn't have my name registered," said Wood, 48, a businessman who said he is a registered Republican. "I had to vote on a provisional ballot. I'm a little suspicious about why presidential elections would not parallel state elections."

At a polling place near McDowell Road and 15th Avenue, similar confusion developed. As the numbers of rejected voters grew, they demanded to see a district supervisor to discuss the problem.

Voters waited more than an hour and half to cast their ballots this morning at 12033 N. Clubhouse Sq., in Youngtown, near 111th and Alabama avenues. This afternoon, the situation wasn't that much better.

Voters leaving the site at 3:45 p.m. said they waited 45 minutes to an hour. Many said they believed part of the reason for the long lines was that several precincts were combined into one location.

"People were backed up," said Sun City resident Patty Diliberto. "The general scene was there were way too many people scheduled to vote in this place. It couldn't possibly handle all this traffic."

For Diliberto, the long lines weren't her only problem.

She and her husband had recently moved and had registered their new address in January. When they arrived at the polling location, her husband was able to vote, but Diliberto was told she needed a provisional ballot because her address did not match what was in the books.

"There were inconsistencies there, and I can vouch for that because I was one of them," she said.

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Yvonne Reed, a spokeswoman for the Maricopa County Elections Department, attributed many of the glitches to voter misunderstandings. She said she had not heard of any properly registered Republican or Democrat turned away or forced to cast a provisional ballot.

Some voters may believe they are registered with one of the two parties because they have voted for a Republican or Democrat in the past, Reed said. But if they are actually registered as independents or Libertarian, their names won't appear on today's roster. If they cast provisional ballots, the votes won't count.

Voters who requested early ballots were also denied a regular ballot at the polls today, even if they had not returned the mail-in document.

Reed said the county tracks who asks for mail-in ballots and it's that information that appears on the voter rolls on election day. Those voters cast a ballot that will be checked later against the list of people whose mail-in ballots were received.

If a voter didn't mail in a ballot, the votes cast today will be counted, Reed said.

"People just forget they have requested an early ballot," she said. A new program allowing voters to be added to a permanent mail-in list may have added to the confusion, as did requirements that counties consolidate voting precincts. In some cases, that meant people could not vote where they usually do and in most cases, it meant longer lines during busy hours.

Voters at one polling place in Gilbert struggled with limited parking spaces, long lines and crowded polling booths.

"You can see people's vote in front of you," said Kate Kresse, a registered Republican who voted for Mitt Romney.

She cast her ballot at about 8:30 this morning at the Painted Trails Apartments at Pecos and Recker roads and said she worried that the long lines and lack of parking spots would discourage voters.

By about noon, people were still filling in to vote, but no one was complaining.

Inside the building, eight voting booths were

closely arranged, and more than 50 voters were crammed into a line that ran from the parking lot to the doorway.

"The booths were in there pretty tight," said Mike Michaelson of Gilbert. "In past years I have voted at the nearby elementary school where you can be in and out of their in no time. I've never seen so many people. I guess they just didn't have enough senior citizens to volunteer to run it in such a big place this year."

But some in line said they didn't mind the slow lines.

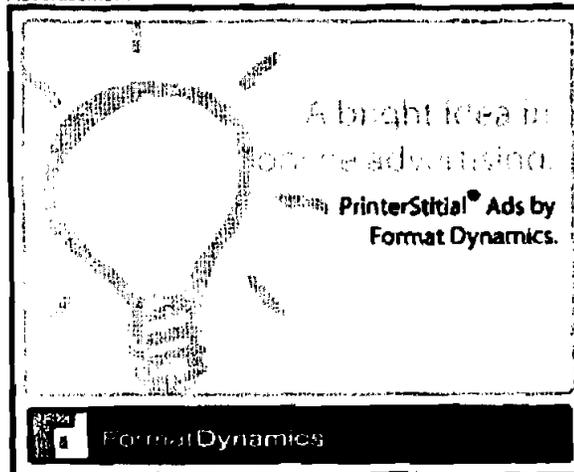
"I don't care how long I have to wait," said Leticia McKeen of Gilbert. "I think the vote is worth it no matter what."

Arizona, with its 67 Democratic and 53 Republican delegates, pales in comparison with larger states such as California, but with the race for nominations so close, candidates are battling for every vote.

This year's contest is drawing intense interest because of divided opinions over the war in Iraq, immigration policy and a stalled economy. The shortened time frame between state primaries and caucuses has led to an accelerated campaign schedule, with candidates racing through states to drum up votes.

The hectic campaigning was evident in Arizona again on Monday, when Democrat Barack Obama's wife, Michelle Obama swept into

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Tucson for a downtown appearance, two days after Hillary Clinton's speech at the University of Arizona on Saturday. Clinton, for her part, held a national "Voices Across America" town hall on the Web that was promoted in Arizona and included a question posed by an Arizona voter.

Gov. Janet Napolitano showed up at Obama's Phoenix campaign offices Monday evening to call potential voters.

"It really is me, I promise," Napolitano told one caller. "It's not a robo-call or anything. It's a live person."

Going into Super Tuesday, Clinton leads in Arizona polls among Democrats while John McCain enjoys a more substantial lead among Republicans. Nationally, with 1,681 Democratic delegates and 1,023 Republican delegates up for grabs today, anything could happen.

"I haven't seen a tight race like this in decades," said Bruce Newman, a marketing professor at DePaul University in Chicago and editor of the *Journal of Political Marketing*.

Phoenix pollster Earl de Berge says Arizona could prove to be a real battleground state on the Democratic side. The race is close enough, he said, that the old saying about "one vote can make the difference" is real.

In Arizona, the latest poll conducted two weeks ago had the once-wide gap between Clinton and Obama narrowing. Ten percentage points separated Clinton and Obama among Arizona Democrats, according to the Behavior Research Center's statewide Rocky Mountain Poll. The poll's margin of error was plus or minus 6.5 percentage points.

If conducted today, those results likely would change because John Edwards of North Carolina, who got 15 percent in the poll, has suspended his campaign.

Election officials predict a high turnout.

In Maricopa County, officials say turnout could be 50 percent, though they say it's somewhat difficult to predict because the state has never had a presidential-preference election with both parties participating. In past primaries, about 30 percent of one party cast ballots in the county.

As of Monday, more than 70 percent of the 446,333 early ballots mailed out by the county Elections Office had been returned with votes.

Among those voting is Charlotte Kelley, a 52-year-old registered nurse who lives in Fountain Hills. She said she believes more people are interested in voting in the primary because of the mounting problems facing the nation, such as the increased cost of health care and lack of access to health insurance.

"Right now, the country needs a leader who will look at the economics," Kelley said.

In Arizona, Democratic campaigns have been aggressive about seeking votes.

In the past two weeks, Clinton and Obama have visited the Valley, along with their spouses and other supporters, including Caroline Kennedy, daughter of the late President Kennedy.

Republican candidates have had a lower profile, most likely because they view the state as McCain country. The Arizona senator holds a solid lead in the latest state polls: 40 percent to 23 percent for Mitt Romney of Massachusetts. Some voters were still undecided only days before the vote.

Arizona State University students Emily Reynolds, 18, and Anna Bethancourt, 19, were waffling between Clinton and Obama. They researched each candidate's platforms on the Web and took online quizzes, such as www.glassbooth.org, that match up a person's views with the most likely

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candidate.

They are looking forward to casting their first presidential votes.

"It's exciting because you're not a little kid anymore," said Bethancourt, a freshman.

Reporters Kendall Wright, Kerry Fehr-Snyder, Sherry Anne Rublano and Dennis Wagner contributed to this story.

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Precinct hiccups blamed on poor training



By DEBORAH HASTINGS, AP National Writer

45 minutes ago

When things go awry at the voting booth, as they have several times in this hectic primary season, much of the blame often falls on ill-trained poll workers who are paid a pittance.

And there have been some head-scratching moments: While folks in Washington were waiting hours to vote under record turnout Feb. 12, poll workers hid electronic voting machines because they didn't like the touch-screen devices. On Super Tuesday in Chicago, poll workers passed out pens meant for e-voting machines. When those instruments made no mark on paper ballots, election workers said they were full of invisible ink — an explanation that was upheld by onsite precinct judges.

While some of these snafus defy logic, many can be pinned on poor training, experts say.

"We're running the most important part of our democracy on the backs of untrained, poorly paid volunteers," said Lloyd Leonard, who has helped research poll worker issues for the League of Women Voters. "It's not their fault. Funding is not a priority. They aren't paid much. They try real hard. We should all volunteer and help them out."

There are an estimated 2 million poll workers, the largest one-day work force in the country, according to research published in September by electionline.org, a project of the Pew Center on the States.

Many have only a few hours of training and earn an average of \$100 for working up to 16 hours on Election Day — or, 40 cents more an hour than the federal minimum wage, the survey said.

There are no national standards for training poll workers, and compensation is determined by states and local election boards, ranging from a low of zero in Vermont to a high of \$325 in some New York jurisdictions. "Low pay, absenteeism, and morale continue to be challenges," the study said.

Added disincentives include serving a public whose members can turn cranky and impatient when kept waiting — and right now it's all about waiting — while laboring under a preconception that the work force is a bunch of gray-haired technophobes.

In an intensely competitive primary season with record turnout and an ever-changing landscape of election rules, being a poll worker has rarely been more difficult, according to election advocates.

In California, some poll workers mistakenly asked voters to show their drivers' licenses before casting a ballot, and incorrectly told registered independents they could not vote for a Democratic candidate. Super Tuesday ballots are still being counted in some counties following an avalanche of mail-in and provisional ballots that have some officials ironing bent or folded cards so they can fit into optical scanning machines.

In New York City, election officials recently said that data entry errors were partly to blame for incorrect early results on Super Tuesday which showed 80 districts, including some in Harlem, with zero votes for Barack Obama. Those numbers are being updated and won't affect the final tally, said Board of Elections spokeswoman Valerie Vazquez.

Electronic voting machines have worsened the burden on poll workers, whose average age is 72. Touted as an antidote to the election meltdown of 2000, many states welcomed the new technology and spent millions buying its products. Then problems arose with elderly poll workers who had difficulty operating the ATM-like units. Problems also occurred with the machines themselves, which malfunctioned, switched votes and mysteriously shut down in cases reported across the country.

Several states this year, including delegate-rich California, changed their primaries to paper contests. Ohio's Cuyahoga County, which includes Cleveland, is hurriedly switching to paper ballots for the March 4 state primary, and the secretary of state is requiring 53 counties that use electronic, touch-screen voting machines to make paper ballots available to voters asking for them.

Those last-minute switches, elections monitors said, create more confusion for poll workers whose training abruptly morphed from booting computer screens to passing out paper cards.

Additionally, voters overwhelmed state primaries and caucuses, creating long lines and confusion in places such as Honolulu, where nearly 40,000 Democrats showed up Tuesday to choose home son Obama or Hillary Rodham Clinton.

In 2004, the number of Democratic caucus voters was 4,000.

Ohio has its share of poll worker problems that have little to do with the ballot format. In 2006, nearly 20 percent of election volunteers didn't show up in Cuyahoga County, for instance. But a peer review panel also cited poorly trained poll workers in insufficient numbers.

Election officials responded by spending more money on training and by recruiting volunteers from high schools and colleges. Pairing young people with elderly poll workers has been implemented in several states, along with corporate and government programs allowing employees to be poll workers without losing pay.

Volunteers themselves have complained about their training, which varies widely by jurisdiction. Some offer as little as a few hours. Others provide a day or more.

A Cuyahoga County survey found 53 percent of volunteers felt their training didn't prepare them to operate new touch-screen machines for the 2008 election. A 2006 New Mexico canvas of three counties reported that less than 50 percent of poll workers felt they had enough practice time on new machines.

Dan Seligson, an editor at electionline.org, has been a poll worker for three elections in the District of Columbia. He received about two hours of training, he said, which seemed adequate. But older poll workers, faced with a combination of paper ballots and electronic machines, were skeptical of the latter, he said.

"They're leery of it," Seligson said. "They're pretty much set against it."

Most Feb. 12 primary problems concerned running out of ballots, which happened three times at his precinct. There also were Obama supporters who demanded to vote, even though they weren't registered Democrats.

Such demands, and long lines, strained the patience of poll workers who had been at it since before dawn — and wouldn't be going home until long after dark.

"They're human beings. It's a grueling day," Seligson said. "People can just get on your nerves."

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Tucson Weekly Print Friendly: <http://www.tucsonweekly.com/gbase/Opinion/Content?oid=106582>

PUBLISHED ON FEBRUARY 14, 2008:

Danehy

Independents who felt entitled to vote in the presidential primary are bad Americans

By TOM DANEHY 

OK, so a kid walks into one of my basketball practices. She doesn't go to our school, doesn't like our mascot and hates our uniforms. She knows how to play basketball, but she doesn't like playing man-to-man defense (which is all we play). Our practice schedule doesn't match her free time and, besides, she doesn't really like being part of a team. She doesn't like to be coached in any way and lets it be known that she will do what she wants, when she wants. But she *insists* on playing, and if she is denied, she will scream that she has been disenfranchised.

The next time we have a game, she can show up and demand a provisional basketball.

My son and I went to vote in the primary election last week. We entered the building, and much to my pleasant surprise, there was a long line. We went to the back of the line and noticed that there were two signs hanging above the table, one saying "A-H," the other "I-Z." One would initially find that split rather odd, but what was really weird was that the entire line was in the "A-H" section. It was like an alphabetical version of Benford's Law (which, as discussed in a previous column, states that in a random grouping of multi-digit numbers, nearly one-third of them will begin with 1, while nearly 20 percent will begin with 2, on down to where only 5 percent will begin with 9).

There was probably a 10-minute wait, which is fine. Having to stand in line to vote is a cool thing. To me, that means that people are taking their duties as American citizens seriously, and they're voting in large numbers. I guarantee you'll never catch me using an absentee ballot (unless somebody starts a professional basketball league for overweight older white guys, and I get drafted in the third round by Albania).

I have a friend who lives in Benson, and he had to stand outside in the cold night air for two hours (!) just to get in the building to vote. He told me that while people weren't happy that there was only one place to vote for the entire town and surrounding area (as opposed to the usual four), nobody left the line. That's cool, too.

Anyway, Alexander and I were in line, and people were making the predictable jokes about changing their last names to Zumwalt, when this guy walked in and audibly sighed. First off, the guy had a ponytail, which I was happy to see. I now know who the last person was to have one after Don Henley finally cut his off. He walked around the end of the line and went to the "I-Z" spot on the table. The woman asked his name; it started with a "B." She showed him the line, but he said that he was not on the list, because he was an independent. But he was there, demanding to vote.

She very calmly gave him a provisional (which, in this instance, meant "worthless") ballot and directed him to the dunce's booth. He asked what was going to happen with the ballot. I told Alexander that they were going to be used to paper the bathroom at Democratic headquarters.

The guy got real pissy when he found out that his vote wouldn't be counted. Those of us in line took up a collection, but between the 12 of us, we couldn't come up with an ounce of sympathy.

Shame on all of you--including, sadly, Gov. Janet Napolitano--who think that it's OK for independents to vote in party primaries. You're a sorry bunch of whiny, cloying, have-your-cake-and-eat-it-too brats. Voting is for adults, and adults are supposed to realize that life involves choices--some easy, some hard.

You can't have it both ways. You can't have sex and still be a virgin. You can't have the bulk of your little kid's time taken up by nannies, day care and baby sitters and still consider yourself a great parent. And you definitely can't declare to the world that you want nothing to do with political parties and then want ... expect! ... DEMAND! to vote in their primaries. Didn't your mamas teach you anything?

Try to set aside your me!-me!-me! sentiments for just a moment, and I'll ignore the fact that what you're trying to do is even worse than home-schooled kids trying to play high school sports. I mean, they're kids, which means they don't have a lick of sense, and they're being home-schooled, which means that all they know is when The Rapture is coming.

Let's assume that you want to haughtily step away from the parties while somehow reserving the "right" to participate in their internal activities. How long would it be before that is used to distort the democratic process? In this Internet era of instant communication, how hard would it be for a party with a numerical edge in a district to have a handful of people vote for their incumbent and have huge numbers cross over to sabotage the candidacy of the person who has the best chance of beating that incumbent in the general? Can you say "Democrats for Joe Sweeney?"

You people who think you're too good for political parties but then want to vote in their primaries are simply despicable. Your selfishness is bad for democracy and bad for America.

Recently in Danehy:

- **Danehy** - Coming up: a week featuring golf, guns, Mayor Bob and Keira by TOM DANEHY (02-21-2008)
- **Danehy** - The writers' strike has turned a fine TV season into a sad mess of reruns and reality by TOM DANEHY (02-07-2008)
- **Danehy** - Are you ready for some Lent? Got an idea about something Tom can give up? by TOM DANEHY (01-31-2008)
- **Danehy in the archives »**

More stories by Tom Danehy:

- **Danehy** - Tom on film: his take on a list of controversial movies by TOM DANEHY (06-15-2006)
- **Danehy** - Green Fields headmaster Rick Belding has been on the run every day for more than 14 years by TOM DANEHY (09-23-2004)
- **Doggerel Days** - It doesn't take much in these placid times to make us wax poetic. by TOM DANEHY (09-14-2000)
- **Tom Danehy in the archives »**

One polling place for Page irritates voters

Posted: Wednesday, Feb 13th, 2008

BY: Lee Pulaski – Lake Powell Chronicle

PAGE – A reduction in polling places made Super Tuesday not so super for almost 1,000 Page people who came out and cast a ballot in the Presidential Preference Primary last week.

The city was given one polling place to cast ballots for the primary – City Hall – instead of the usual four polling places. As a result of having one place and a larger number of voters casting ballots for this type of primary, some voters had to wait as long as 40 minutes to choose their candidates, according to city clerk Lori Anderson.

“It caused some grief,” she said. “They weren’t very happy because they’re used to walking in, going through the line and getting it done. There were times when they were waiting 30 to 40 minutes.”

Anderson explained that the presidential primary is paid for by Arizona, and the state has to consolidate the number of polling places for such an election. According to Arizona Revised Statutes 16-248, counties with less than 200,000 voters like Coconino County must set up one polling place for every 2,000 registered voters. Currently, the city of Page has 2,460 registered voters.

“It’s based on voter turnout, and historically, Page’s voter turnout has been very low,” Anderson said, noting that all elections, not just presidential elections, factor into the decision about how many polling places Page gets.

The city clerk said she planned to contact election officials and try to get two polling places for the next election.

“I would say right around lunchtime was when we had the line going down the hallway, and there were a lot of citizens unhappy about that,” she said.

There were plenty of booths for voters to cast their ballots, according to Anderson, but first they had to verify who they were with election workers. The vote itself was quick and painless because voters only had to choose one candidate.

“It took longer to go through the line and show your ID than it did to actually vote,” she said. “I don’t think anyone was prepared for the turnout for this election. (The number of voters) was higher everywhere.”

As of Friday, 999 verifiable ballots were cast in Page, approximately 41 percent of the number of registered voters in the city. Another 61 provisional ballots were cast, Anderson said, but would need to be verified by the Coconino County Elections Office before they could be included in the final tally. Eighty early ballots were cast, she said.

On the democrats’ side, Page voters chose Barack Obama over Hillary Clinton by a vote of 207 to 179. Arizona’s John McCain was the local and state winner for the republicans with 254 voters expressing their approval. Mitt Romney was second for local republicans with 220 votes.

Anderson estimated Page had a higher voter turnout for this presidential primary than the one in

2004, based on the increased number of early ballots. However, she was unable to get firm numbers by press time.

In LeChee, Clinton barely edged out Obama by 62 to 61 vote. McCain easily won republicans in LeChee, defeating Romney by a 29 to 10 vote. Almost 30 percent of LeChee's 622 voters went to the polls.

Kaibeto democrats preferred Clinton over Obama by a vote of 118 to 76. Only 16 republicans in Kaibeto cast ballots, with 13 votes going to McCain. The community had a 27.5-percent voter turnout.

Print

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Attachment 2

Victoria Ames

From: F. Ann Rodriguez [fann@recorder.pima.gov]
Sent: Thursday, February 28, 2008 2:09 PM
To: Chuck Huckelberry; Richard Elias; Ann Day; Ramon Valadez; Sharon Bronson; Ray Carroll
Cc: Anna Harper; Jennifer Eckstrom; Keith Bagwell; Kiki Navarro; Patrick Cavanaugh; Scott D. Egan; John Moffatt; Brad Nelson; Isabel Araiza; Mary Martinson; Recorder-admin
Subject: Provisional Ballot Report
Attachments: CHH_PPE 2008 Provisional Ballot Report.pdf

This memo deals with concerns about Provisional Ballots at the polling locations during the PPE, specifically the use of Conditional Provisional Ballots.

F. Ann Rodriguez

Pima County Recorder

<<CHH_PPE 2008 Provisional Ballot Report.pdf>>



P. O. Box 3145
Tucson, AZ 85702-3145

Located in the Old Courthouse at:
115 North Church Avenue, Tucson, AZ

<http://www.recorder.pima.gov>

F. Ann Rodriguez
Pima County Recorder

Recording history one document at a time.

Christopher J. Roads
Chief Deputy Recorder
Registrar of Voters

Document Recording: (520) 740-4350
Voter Registration: (520) 740-4330
Fax: (520) 623-1785

MEMORANDUM

TO: C. H. Huckelberry
County Administrator

FROM: F. Ann Rodriguez 
Pima County Recorder

SUBJECT: **PROVISIONAL BALLOT REPORT**
02/05/2008 PPE

DATE: February 28, 2008

C: Honorable Members, Board of Supervisors
Brad Nelson, Manager, Division of Elections
Christopher J. Roads Chief Deputy Recorder/Registrar of Voters
Robert M. Sarich, Assistant Chief Deputy Recorder

When we were processing the Provisional Ballots and Conditional Provisional Ballots, we noted a number of problems that I wanted to bring to your attention.

Please allow me to give a brief summary on the process for issuing a Conditional Provisional Ballot. If a voter does not have any identification, they are to receive a Conditional Provisional Ballot. The voter is given a slip of paper with the Conditional Provisional Ballot receipt number on it by the poll worker, along with a list of locations that can receive their identification for their ballot to be validated (attached as Exhibit 1). Regular Provisional Ballots are issued to voters who are not on the signature roster, who have been issued an early ballot or who may have some identification, but do not fully comply with the Proposition 200 identification rules (attached as Exhibit 2).

A voter who is issued a regular Provisional Ballot is not required to present identification after the election, even if the reason the regular Provisional Ballot was issued was because they had some identification but the identification still was insufficient based on the rules for presenting identification at the polls. For regular Provisional Ballots, the Recorder's Office staff is required to make a signature comparison between the voter's registration form and the signature on the regular Provisional Ballot to confirm the voter's identity. If the signature matches, they are eligible to vote in the election and at the correct polling location, the regular Provisional Ballot will be processed to be counted.

Under the Arizona Secretary of State's rules, if a voter has a valid Arizona State driver's license where the photograph matches the voter and the name and address match the voter's information on the signature roster, the voter is permitted to vote a traditional polling location ballot. However, if the address or name does not match the signature roster, the voter is to be given a regular Provisional Ballot. Under no circumstances should a voter with a valid Arizona State driver's license ever be given a Conditional Provisional Ballot.

In processing the Conditional Provisional Ballot forms, the Recorder's Office is bound to follow the rules set by the Arizona Secretary of State. If the poll worker requires the voter to complete a Conditional Provisional Ballot form, we are required to hold the form until the voter presents proper identification. If the voter does not provide the identification by the deadline, we are required to reject the ballot without further processing. The Recorder's Office is not permitted to waive the identification requirement.

It is very apparent that Pima County has severe problems with poll workers understanding the circumstances for requiring a voter to be issued a Conditional Provisional Ballot.

Attached as Exhibit 3 is a breakdown of our findings on Conditional Provisional Ballots issued for the Presidential Preference Election. A total of 336 Conditional Provisional Ballots were issued. Of the 336 Conditional Provisional Ballots issued, 276 of the voters actually had provided an Arizona State driver's license number on the Conditional Provisional Ballot form. Therefore, under the Secretary of State's rules, 82% of the Conditional Provisional Ballots were issued incorrectly. If the name and address on the driver's license did not match the signature roster, the voter should have been issued a regular Provisional Ballot.

The Pima County Recorder's Office looked further into these 276 voters and determined that 103 of these voters' ballots would have been counted had the correct regular Provisional Ballot form been issued by the poll workers. This amounts to 37% of the 276 Conditional Provisional Ballots being issued in error. Due to the wrong issuance of the Conditional Provisional Ballot form by the poll workers, each of these voters had their ballot disqualified. This is not an acceptable practice.

There were 190 voting areas for the Presidential Preference Election and only 22 of the voting areas processed the Conditional Provisional Ballots correctly. This, too, is not acceptable. Several of the voting areas require specific mention. I have also included the Supervisor district for each of the voting areas.

Voting Area 28

8 Conditional Provisional Ballots were issued. Of these, 6 provided a driver's license number. This voting area is in Supervisor District 3.

Voting Area 37

23 Conditional Provisional Ballots were issued. 22 of the voters provided a driver's license number. This voting area is in Supervisor District 5.

Voting Area 38

21 Conditional Provisional Ballots were issued. 18 of the voters provided a driver's license number. This voting area is in Supervisor District 2.

Voting Area 48

7 Conditional Provisional Ballots were issued. 6 of the voters provided a driver's license number. This voting area is in Supervisor District 5.

Voting Area 61

6 Conditional Provisional Ballots were issued. All 6 voters provided a driver's license number. This voting area is in Supervisor District 2.

Voting Area 79

24 Conditional Provisional Ballots were issued. 21 of the voters provided a driver's license number. This voting area is in Supervisor District 4.

Voting Area 89

21 Conditional Provisional Ballots were issued. 19 of the voters provided a driver's license number. This voting area is in Supervisor District 4.

Voting Area 96

9 Conditional Provisional Ballots were issued. 4 of the voters provided a driver's license number. This voting area is in Supervisor District 3 and is located within the Tohono O'odham Nation.

Voting Area 122

32 Conditional Provisional Ballots were issued. All 32 of the voters provided a driver's license number. This voting area is in Supervisor District 4.

Voting Area 144

39 Conditional Provisional Ballots were issued. 37 of the voters provided a driver's license number. This voting area is in Supervisor District 4.

Voting Area 178

5 Conditional Provisional Ballots were issued. All 5 of the voters provided a driver's license number. This voting area is in Supervisor District 1.

It is clear there was a high volume of errors throughout the county, but Supervisor District 4 seems to have had the most problems.

Clearly training on when to issue a Conditional Provisional Ballot needs to be addressed.

Exhibit 4 is our findings for the regular Provisional Ballots. We processed a total of 12,398 Provisional Ballots. Of that number 5,785 were for registered voters who did not declare any political party affiliation when they completed their voter registration forms. Voters who were registered as Party Not Designated or Independent were not eligible for the Presidential Preference Election and their ballots were disqualified. An additional 1,069 regular Provisional Ballots were invalidated because the voter went to the wrong polling location. A total of 4,250 regular Provisional Ballots were validated.

This is the only election that I can recall where more Provisional Ballots were invalidated than were validated.

There were two voters who were issued duplicate Provisional Ballots by the poll worker and we can only post one finding for each voter. As a result, our turnover report total is off by 2.

If you need additional information, please do not hesitate to contact me directly. I will be providing a separate communication with my suggestions and/or recommendations to help reduce this high volume of errors with issuing Conditional Provisional Ballots incorrectly to voters.

If questions arise, please feel free to call me at ext. 4356.

FAR:ssb

08MEM021

Attachments: Exhibits 1 - 4

**Locations Receiving Identification for
Conditional Provisional Ballots for February 5, 2008 Election**

Lugares que reciben pruebas de identificación para las balotas provisionales condicionales en la elección del 5 de febrero de 2008.

You have until 5 PM on Friday, February 8, 2008 to present your ID at one of the following locations.
Tiene hasta las 5 de la tarde del viernes el 8 de febrero para presentar su identificación en uno de los lugares indicados a continuación.

NAME/Nombre ADDRESS/Domicilio	HOURS/Horas		
	Wednesday/ Miércoles 01/06/08	Thursday/ Jueves 01/07/08	Friday/ Viernes 01/08/08
Pima County Recorder Main Office – Old Courthouse 115 N. Church Ave., 1 st Floor, North Wing	8 AM – 5 PM	8 AM – 5 PM	8 AM – 5 PM
Pima County Recorder Eastside – Gaslight Theater Complex 6920 E. Broadway Blvd., Ste. D	8 AM – 5 PM	8 AM – 5 PM	8 AM – 5 PM
City of Tucson Ward 1 Office 940 W. Alameda St.	8 AM – 5 PM	8 AM – 5 PM	8 AM – 5 PM
City of Tucson Ward 2 Office 7575 E. Speedway Blvd.	8 AM – 5 PM	8 AM – 5 PM	8 AM – 5 PM
City of Tucson Ward 3 Office 1510 E. Grant Rd.	8 AM – 5 PM	8 AM – 5 PM	8 AM – 5 PM
City of Tucson Ward 4 Office 8123 E. Poinciana Dr.	8 AM – 5 PM	8 AM – 5 PM	8 AM – 5 PM
City of Tucson Ward 5 Office 4300 S. Park Ave.	8 AM – 5 PM	8 AM – 5 PM	8 AM – 5 PM
City of Tucson Ward 6 Office 3202 E. 1 st St.	9 AM – 5 PM	9 AM – 5 PM	9 AM – 5 PM
Tohono O'odham Nation Tribal Office In Sells	8 AM – 5 PM	8 AM – 5 PM	8 AM – 5 PM
South Tucson City Clerk's Office 1601 S. 6 th Ave.	8 AM – 5 PM	8 AM – 5 PM	8 AM – 5 PM
Marana Town Clerk's Office 11555 W. Civic Center Dr. in Marana	8 AM – 5 PM	8 AM – 5 PM	8 AM – 5 PM
Oro Valley Town Clerk's Office 11000 N. La Cañada Dr. in Oro Valley	8 AM – 5 PM	8 AM – 5 PM	8 AM – 5 PM
Sahuarita Town Clerk's Office 375 W. Sahuarita Center Way, 1 st Floor in Sahuarita	8 AM – 5 PM	8 AM – 5 PM	8 AM – 5 PM
Joyner Library – Green Valley 601 N. La Cañada Dr. in Green Valley	9 AM – 5 PM	9 AM – 5 PM	10 AM – 5 PM
Salazar Library – Ajo 33 Plaza in Ajo	9:30 AM – 5 PM	11 AM – 5 PM	9:30 AM – 5 PM
Caviglia Library – Arivaca 7050 W. Arivaca Rd. in Arivaca	11 AM – 5 PM	10 AM – 5 PM	11 AM – 5 PM
Geasa Library – Marana 13370 N. Lon Adams Rd. in Marana	10 AM – 5 PM	10 AM – 5 PM	10 AM – 5 PM
Dewhirst Library – Catalina 15631 N. Oracle Rd., Ste. 199 in Catalina	10 AM – 5 PM	10 AM – 5 PM	10 AM – 5 PM
Kirk Library – Bear Canyon 8959 E. Tanque Verde Rd.	10 AM – 5 PM	10 AM – 5 PM	10 AM – 5 PM
Columbus Library 4350 E. 22 nd St.	10 AM – 5 PM	10 AM – 5 PM	10 AM – 5 PM
Martha Cooper Library 1377 N. Catalina Ave.	10 AM – 5 PM	10 AM – 5 PM	10 AM – 5 PM
El Pueblo Library 101 W. Irvington Rd.		10 AM – 5 PM	10 AM – 5 PM

EXHIBIT 1

REQUIRED IDENTIFICATION AT THE POLLS

NEW LAW

Every eligible registered voter is required to show proof of identity at the polling place before receiving a ballot. The voter shall announce his/her name and place of residence to the election official and present one form of identification from LIST #1 that bears the name, address, and photograph of the voter **OR** two different forms of identification from LIST #2 that bear the name and address of the voter.

A voter who does not provide one form of identification from LIST #1 **OR** two different forms of identification from LIST #2 shall not be issued a regular ballot, but shall receive a provisional ballot and will have **five (5) business days** after a General Election and **three (3) business days** after any other Election to provide sufficient ID to the County Recorder in order for their provisional ballot to count.

List #1 – Sufficient Photo ID (including name and address):

- Valid Arizona driver license or non-operating identification
- Tribal enrollment card or other form of tribal identification
- Valid U.S. federal, state or local government issued identification

List #2 – Sufficient ID without photo bearing the name and address (two required):

- Utility bill of the voter that is dated within 90 days of the date of election. A utility bill may be for electric, gas, water, solid waste, sewer, telephone, cellular phone or cable television.
- Bank or Credit Union statement that is dated within 90 days of the date of the election
- Valid Arizona Vehicle Registration
- Indian Census Card
- Property tax statement of the voter's residence
- Tribal enrollment card or other form of tribal identification
- Vehicle Insurance Card
- Valid U.S. federal, state, or local government issued identification
- Voter Registration Card / Recorder's Certificate
- Any "Official Election Material" mailing bearing your name and address

Send email to Elections@pima.gov with questions or comments about this web site or call (520) 740-4260. Source Pima County Division of Elections

CONDITIONAL PROVISIONAL PRESIDENTIAL PREFERENCE 2/5/08

VA #	Total recy'd	Called in verified	Called in not verified	Poll wkr error Had Id at Poll	Vote should have counted	PND/ Ind	Voted Wrg Pty	Voted Wrg VA	Not reg	Reg aft cut off	Called in no id at poll	Reg prov ballot *	No Id at Poll
8	1												1
9	1												1
18	1												1
19	3			3		2			1				
21	2					1		2					2
22	4	1		4		1							
23	1			1		1							
24	3			2	2								1
25	1			1				1					
27	1			1	1								
28	8	1		6	1	3				1			2
29	1			1	1								
33	2			1	1								1
34	4	1		4		1		2					
35	4			3		2			1				1
37	23	2	1	22	9	5		4	1	1			1
38	21			18	7	8	1	1		1			3
40	1												1
44	2			2	2								
46	1			1	1								
47	3			2		1						1	1
48	7	1	1	6	1	1		1		1			1
51	3			3		2						1	
56	7	1		6	1	3	1						1
57	1			1	1								
59	1												1
61	6			6	2	4							
62	1			1		1							
64	1			1	1								
65	1			1				1					

denotes the voting areas that processed the conditional provisionals correctly

* These ballots were treated as regular provisionals in the voting areas that ran out of the regular provisional forms and used the conditional forms

CONDITIONAL PROVISIONAL PRESIDENTIAL PREFERENCE 2/5/08

	Total	Called in	Called in	Poll wkr error	Vote should	PND/	Voted	Voted	Not	Reg aft	Called in	Reg prov	No Id
VA	rcv'd	verified	not verified	Had Id at Poll	have counted	Ind	Wrg Pty	Wrg VA	reg	cut off	no id at poll	ballot *	at Poll
# 68	1												1
72	2			2		2							
# 74	1												1
77	3			3				1	1			1	
78	2			2	1					1			
79	24			21	12	7		1	1				3
# 81	1												1
82	1			1	1								
84	1			1	1								
85	1		1										
87	3	1		1									2
88	2			2	1	1							
89	21	1	1	19	7	4		2	2	1		1	2
# 94	1												1
# 95	1												1
96	9			4	1	3							5
98	4			2	1			1					2
# 100	1												1
# 102	1												1
103	1	1		1									
106	2			2	1	1							
107	4			3		3							1
108	4	1		3	2								1
111	5			5	2	2			1				
# 113	1												1
115	1			1	1								
118	6			5	2	1		1				1	1
119	2			2	1	1							
120	1			1				1					
122	32	2	9	32	6	14						1	

denotes the voting areas that processed the conditional provisionals correctly

* These ballots were treated as regular provisionals in the voting areas that ran out of the regular provisional forms and used the conditional forms

CONDITIONAL PROVISIONAL PRESIDENTIAL PREFERENCE 2/5/08

	Total rec'd	Called in verified	Called in not verified	Poll wkr error Had Id at Poll	Vote should have counted	PND/ Ind	Voted Wrg Pty	Voted Wrg VA	Not reg	Reg aft cut off	Called in no id at poll	Reg prov ballot *	No Id at Poll
VA	1			1	1								
123	1			1	1								
124	1			1	1								
125	2			2	1	1							
126	2			2	1	1							
# 129	2		1								1		2
134	3			2		1		1					1
136	2			1			1						1
140	1			1	1								
# 142	1												1
143	2		1	2				1					
144	39			37	22	6	2	3	1			3	2
147	1	1		1									
152	1			1		1							
157	1			1	1								
# 161	1												1
162	1			1	1								
165	2			1		1							1
166	1			1				1					
# 167	2												2
173	1			1		1							
# 175	1												1
178	5			5	1	1	1	2					
# 179	1												1
# 180	1												1
185	4		1	4	2			1					
# 188	2												2
TOTAL	336	15	15	276	103	87	6	28	9	6	1	9	60

denotes the voting areas that processed the conditional provisionals correctly

* These ballots were treated as regular provisionals in the voting areas that ran out of the regular provisional forms and used the conditional forms



**Pima County Recorder
Provisional Ballot Outcomes
2008 Presidential Preference Election**

Reason Not Counted	Ballot Count	% of Ineligible Provisional Ballots	% of All Entered Provisional Ballots
COULD NOT CONFIRM IDENTITY	4	0.05%	0.03%
DIFFERENT PARTY	223	2.74%	1.80%
NO IDENTIFICATION PROVIDED	291	3.57%	2.35%
NOT ELIGIBLE PARTY	5,785	71.00%	46.66%
PROVISIONAL NOT SIGNED	58	0.71%	0.47%
REGISTERED AFTER CUTOFF DATE	207	2.54%	1.67%
REGISTRATION CANCELLED	148	1.82%	1.19%
UNDER 18 YEARS OLD	41	0.50%	0.33%
VOTED EARLY BALLOT	16	0.20%	0.13%
VOTED MULTIPLE BALLOTS	7	0.09%	0.06%
VOTED WRONG VOTING AREA	1,069	13.12%	8.62%
VOTER NOT REGISTERED	298	3.66%	2.40%
WRONG JURISDICTION	1	0.01%	0.01%
Total Uneligible Ballots:	8,148	100.00%	65.72%
Total Eligible Ballots:	4,250		34.28%
Total Provisional Ballots:	12,398		100.00%

EXHIBIT 4

Procedure for Provisional Ballots at the Polls

There are seven reasons a voter may vote a provisional ballot:

1. voter has not provided sufficient identification at the polling location,
2. voter's name does not appear on the signature roster or inactive list, and the voter has not moved,
3. voter has moved within the precinct,
4. voter has moved to a new precinct within the county,
5. voter has been issued an early ballot,
6. voter has changed name, or
7. voter is challenged at the polling place

At the time of voting a provisional ballot, the voter shall sign an affirmation on the provisional ballot envelope stating that the information on the provisional ballot envelope is correct, that he/she resides in the precinct, that he/she is eligible to vote in this election and that he/she has not previously voted in this election.

At the time he/she votes, the voter shall be given a provisional voter receipt by one of the election officials with information on how to contact his/her County Recorder to verify the status of his/her provisional ballot.

[A.R.S. § 16-584(E)]

If the voter is in the correct polling place, attach the "voter's registration receipt" if available to the outside of the provisional ballot envelope.

Do not seal the "voter's registration receipt" inside the provisional ballot envelope.

Do not keep personal identification—return it to the voter

An election official or voter completes a provisional ballot form.

The voter and the election official sign the provisional ballot form.

The election official attaches the provisional ballot form to the envelope provided and gives the envelope to the voter.

The election official verifies that the voter's affirmation statement of eligibility to vote in that jurisdiction is on the envelope.

The voter returns the provisional ballot envelope to the appropriate election official.

On the provisional ballots page at the back of the signature roster or a separate provisional roster, the signature roster clerk enters the voter's name and other identifying data as shown on the signature roster.

Voters completing a provisional ballot are assigned register numbers beginning with V-1 and continuing V-2, etc.

The voter signs the signature block corresponding to the voter's name on the signature roster.

The poll list clerk fills out the poll list.

The election official gives the provisional ballot envelope and ballot to the voter and directs the voter to a designated voting booth.

After voting, the voter returns the ballot to the election official at the ballot box along with the provisional ballot envelope.

The voter places the voted ballot in the provisional ballot envelope and may seal the envelope.

The election official ensures the voted ballot is sealed in the provisional ballot envelope.

The election official makes sure that all of the information on the provisional ballot envelope has been filled out including signatures of board workers.

The voter is given a provisional voter receipt with information on how to verify the status of the voter's provisional ballot.

The voter or election official deposits the sealed provisional ballot envelope in the ballot box.

PROVISIONAL BALLOT

10 days after the election go online to www.recorder.pima.gov; select the provisional ballot link and enter the preprinted receipt number to find out whether or not your ballot was validated for counting. If you do not have access to a computer, you may call (520) 740-4330 or 1-800-775-7462 ext. 4330. You will need to provide the preprinted receipt number to be given your information.

10 días despues de la eleccion visite la pagina internet www.recorder.pima.gov; seleccione balota provisional y entre el numero imprintado de este recibo para informarse si su balota fue valida para contarse. Si usted no tiene acceso a una computadora, puede llamar al (520) 740-4330 ó 1-800-775-7462 ext. 4330. Tendra que proporcionar el numero imprintado de este recibo para obtener su informacion.

▶▶▶▶ SEPARATE THIS NUMBERED RECEIPT AND GIVE IT TO THE VOTER ◀◀◀◀

OFFICE USE ONLY

INITIALS

VOTING AREA: _____ DATE: _____

ELECTION: PRIMARY _____ GENERAL _____ OTHER _____

REASON FOR ISSUING A PROVISIONAL BALLOT:

VOTER MARKED WITH AN "EARLY BALLOT" IN ROSTER

PROVISIONAL BALLOT

ID DOES NOT MATCH THE ROSTER

BALLOT ISSUED _____
(BALLOT COLOR)

TRIBAL ID PRESENTED

ELECTION OFFICIAL'S SIGNATURE

PIMA COUNTY VOTER REGISTRATION PROVISIONAL BALLOT

TO BE COMPLETED BY ELECTOR - DEBE LLENARSE POR EL ELECTOR

THIS FORM WILL NOT CHANGE YOUR POLITICAL PARTY.

ESTA FORMA NO CAMBIARA SU PARTIDO POLITICO.



OFFICE USE ONLY

LAST NAME / APELLIDO		FIRST NAME / NOMBRE		MIDDLE / SEGUNDO NOMBRE	SUFFIX / SUFICIO
RESIDENCE ADDRESS / DOMICILIO DE RESIDENCIA				APT./SP./NO. NUM. DE APTO	CITY CIUDAD
MAILING ADDRESS / DIRRECCION DE CORREO				APT./SP./NO. NUM. DE APTO	CITY CIUDAD
BIRTH DATE FECHA DE NACIMIENTO	FORMER NAME NOMBRE ANTERIOR	FORMER RESIDENCE ADDRESS DOMICILIO DE RESIDENCIA ANTERIOR			
AZ DRIVERS LICENSE NUMBER OR AZ NON OPERATING LICENSE NUMBER NUMERO DE LICENCIA DE CONDUCIR DE AZ O NUMERO DE LICENCIA NO OPERANTE DE AZ				LAST FOUR DIGITS OF SOCIAL SECURITY NUMBER ULTIMOS CUATRO DIGITOS DE NUMERO DE SEGURO SOCIAL	

I swear or affirm under penalty of perjury that the above information is correct, that I reside in the precinct, that I am eligible to vote in this election and that I have not previously voted in this election.
Juro o afirmo bajo pena de perjurio que la informacion anterior es correcta, que yo resido en el distrito, que soy elegible para votar en esta eleccion y que no he votado previamente en esta eleccion.



ELECTOR'S SIGNATURE / FIRMA

DATE / FECHA

TELEPHONE NUMBER / NUMERO DE TELEFONO

QC-1-06

INSERT VOTED BALLOT IN THIS ENVELOPE - REMOVE ADHESIVE STRIP - FOLD AT PERFORATION AND SEAL

100096730

CONDITIONAL PROVISIONAL BALLOT

10 days after the election go online to www.recorder.pima.gov; select the provisional ballot link and enter the preprinted receipt number to find out whether or not your ballot was validated for counting. If you do not have access to a computer, you may call (520) 740-4330 or 1-800-775-7462 ext. 4330. You will need to provide the preprinted receipt number to be given your information.

10 días despues de la eleccion visite la pagina internet www.recorder.pima.gov; seleccione balota provisional y entre el numero imprimado de este recibo para informarse si su balota fue valida para contarse. Si usted no tiene acceso a una computadora, puede llamar al (520) 740-4330 ó 1-800-775-7462 ext. 4330. Tendra que proporcionar el numero imprimado de este recibo para obtener su informacion.

500053001

▶▶▶▶ **SEPARATE THIS NUMBERED RECEIPT AND GIVE IT TO THE VOTER** ◀◀◀◀

OFFICE USE ONLY
INITIALS

VOTING AREA: _____ DATE: _____

ELECTION: PRIMARY _____ GENERAL _____ OTHER _____

REASON FOR ISSUING A CONDITIONAL PROVISIONAL BALLOT:

NO VALID ID

BALLOT ISSUED _____
(BALLOT COLOR)

ELECTION OFFICIAL'S SIGNATURE

PIMA COUNTY VOTER REGISTRATION CONDITIONAL PROVISIONAL BALLOT

TO BE COMPLETED BY ELECTOR - DEBE LLENARSE POR EL ELECTOR
THIS FORM WILL NOT CHANGE YOUR POLITICAL PARTY.
ESTA FORMA NO CAMBIARA SU PARTIDO POLITICO.



OFFICE USE ONLY

LAST NAME / APELLIDO	FIRST NAME / NOMBRE	MIDDLE / SEGUNDO NOMBRE	SUFFIX / SUFIJO
RESIDENCE ADDRESS / DOMICILIO DE RESIDENCIA		APT./SP./NO. NUM DE APTO	CITY CIUDAD
		ZIP CODE ZONA POSTAL	
MAILING ADDRESS / DIRECCION DE CORREO		APT./SP./NO. NUM DE APTO	CITY CIUDAD
		ZIP CODE ZONA POSTAL	
BIRTH DATE FECHA DE NACIMIENTO	FORMER NAME NOMBRE ANTERIOR	FORMER RESIDENCE ADDRESS DOMICILIO DE RESIDENCIA ANTERIOR	
AZ DRIVERS LICENSE NUMBER OR AZ NON OPERATING LICENSE NUMBER NUMERO DE LICENCIA DE CONDUCIR DE AZ O NUMERO DE LICENCIA NO OPERANTE DE AZ		LAST FOUR DIGITS OF SOCIAL SECURITY NUMBER ULTIMOS CUATRO DIGITOS DE NUMERO DE SEGURO SOCIAL	
<p>I swear or affirm under penalty of perjury that the above information is correct, that I reside in the precinct, that I am eligible to vote in this election and that I have not previously voted in this election. Juro o afirmo bajo pena de perjurio que la informacion anterior es correcta, que yo resido en el distrito, que soy elegible para votar en esta eleccion y que no he votado previamente en esta eleccion.</p>			
<p>X ELECTOR'S SIGNATURE / FIRMA</p>		<p>DATE / FECHA</p>	<p>TELEPHONE NUMBER / NUMERO DE TELEFONO</p>

QC-1-06

INSERT VOTED BALLOT IN THIS ENVELOPE - REMOVE ADHESIVE STRIP - FOLD AT PERFORATIONS AND SEAL

**Locations Receiving Identification for
Conditional Provisional Ballots for February 5, 2008 Election**

Lugares que reciben pruebas de identificación para las balotas provisionales condicionales en la elección del 5 de febrero de 2008.

You have until 5 PM on Friday, February 8, 2008 to present your ID at one of the following locations.
Tiene hasta las 5 de la tarde del viernes el 8 de febrero para presentar su identificación en uno de los lugares indicados a continuación.

NAME/Nombre ADDRESS/Domicilio	HOURS/Horas		
	Wednesday/ Miércoles 01/06/08	Thursday/ Jueves 01/07/08	Friday/ Viernes 01/08/08
Pima County Recorder Main Office – Old Courthouse 115 N. Church Ave., 1 st Floor, North Wing	8 AM – 5 PM	8 AM – 5 PM	8 AM – 5 PM
Pima County Recorder Eastside – Gaslight Theater Complex 6920 E. Broadway Blvd., Ste. D	8 AM – 5 PM	8 AM – 5 PM	8 AM – 5 PM
City of Tucson Ward 1 Office 940 W. Alameda St.	8 AM – 5 PM	8 AM – 5 PM	8 AM – 5 PM
City of Tucson Ward 2 Office 7575 E. Speedway Blvd.	8 AM – 5 PM	8 AM – 5 PM	8 AM – 5 PM
City of Tucson Ward 3 Office 1510 E. Grant Rd.	8 AM – 5 PM	8 AM – 5 PM	8 AM – 5 PM
City of Tucson Ward 4 Office 8123 E. Poinciana Dr.	8 AM – 5 PM	8 AM – 5 PM	8 AM – 5 PM
City of Tucson Ward 5 Office 4300 S. Park Ave.	8 AM – 5 PM	8 AM – 5 PM	8 AM – 5 PM
City of Tucson Ward 6 Office 3202 E. 1 st St.	9 AM – 5 PM	9 AM – 5 PM	9 AM – 5 PM
Tohono O'odham Nation In Sells	8 AM – 5 PM	8 AM – 5 PM	8 AM – 5 PM
South Tucson City Clerk's Office 1601 S. 6 th Ave.	8 AM – 5 PM	8 AM – 5 PM	8 AM – 5 PM
Marana Town Clerk's Office 11555 W. Civic Center Dr. in Marana	8 AM – 5 PM	8 AM – 5 PM	8 AM – 5 PM
Oro Valley Town Clerk's Office 11000 N. La Cañada Dr. in Oro Valley	8 AM – 5 PM	8 AM – 5 PM	8 AM – 5 PM
Sahuarita Town Clerk's Office 375 W. Sahuarita Center Way, 1 st Floor in Sahuarita	8 AM – 5 PM	8 AM – 5 PM	8 AM – 5 PM
Joyner Library – Green Valley 601 N. La Cañada Dr. in Green Valley	9 AM – 5 PM	9 AM – 5 PM	10 AM – 5 PM
Salazar Library – Ajo 33 Plaza in Ajo	9:30 AM – 5 PM	11 AM – 5 PM	9:30 AM – 5 PM
Caviglia Library – Arivaca 7050 W. Arivaca Rd. in Arivaca	11 AM – 5 PM	10 AM – 5 PM	11 AM – 5 PM
Geasa Library – Marana 13370 N. Lon Adams Rd. in Marana	10 AM – 5 PM	10 AM – 5 PM	10 AM – 5 PM
Dewhirst Library – Catalina 15631 N. Oracle Rd., Ste. 199 in Catalina	10 AM – 5 PM	10 AM – 5 PM	10 AM – 5 PM
Kirk Library – Bear Canyon 8959 E. Tanque Verde Rd.	10 AM – 5 PM	10 AM – 5 PM	10 AM – 5 PM
Columbus Library 4350 E. 22 nd St.	10 AM – 5 PM	10 AM – 5 PM	10 AM – 5 PM
Martha Cooper Library 1377 N. Catalina Ave.	10 AM – 5 PM	10 AM – 5 PM	10 AM – 5 PM
El Pueblo Library 101 W. Irvington Rd.	10 AM – 5 PM	10 AM – 5 PM	10 AM – 5 PM

**Locations Receiving Identification for
Conditional Provisional Ballots for February 5, 2008 Election**

Lugares que reciben pruebas de identificación para las balotas provisionales condicionales en la elección del 5 de febrero de 2008.

You have until 5 PM on Friday, February 8, 2008 to present your ID at one of the following locations.
Tiene hasta las 5 de la tarde del viernes el 8 de febrero para presentar su identificación en uno de los lugares indicados a continuación.

NAME/Nombre ADDRESS/Domicilio	HOURS/Horas		
	Wednesday/ Miércoles 01/06/08	Thursday/ Jueves 01/07/08	Friday/ Viernes 01/08/08
El Rio Library 1390 W. Speedway Blvd.	10 AM – 5 PM	10 AM – 5 PM	10 AM – 5 PM
Miller Library 9640 E. Golf Links Rd.	10 AM – 5 PM	10 AM – 5 PM	10 AM – 5 PM
Himmel Park Library 1035 N. Treat Ave.	10 AM – 5 PM	10 AM – 5 PM	10 AM – 5 PM
Mission Library 3770 S. Mission Rd.	10 AM – 5 PM	10 AM – 5 PM	10 AM – 5 PM
Nanini Library 7300 N. Shannon Rd.	10 AM – 5 PM	9 AM – 5 PM	10 AM – 5 PM
Quincie Douglas Library 1575 E. 36 th St.	10 AM – 5 PM	10 AM – 5 PM	10 AM – 5 PM
Dusenberry Library 5605 E. River Rd., Ste. 105	10 AM – 5 PM	10 AM – 5 PM	10 AM – 5 PM
Santa Rosa Learning Center 1075 S. 10 th Ave.	10 AM – 5 PM	9 AM – 5 PM	10 AM – 5 PM
Sam Lena Library – South Tucson 1607 S. 6 th Ave.	11 AM – 5 PM	10 AM – 5 PM	10 AM – 5 PM
Southwest Library 6855 S. Mark Rd.	12 PM – 5 PM	9 AM – 5 PM	10 AM – 5 PM
Valencia Library 202 W. Valencia Rd.	10 AM – 5 PM	10 AM – 5 PM	10 AM – 5 PM
Wilmot Library 530 N. Wilmot Rd.	9 AM – 5 PM	9 AM – 5 PM	10 AM – 5 PM
Woods Memorial Library 3455 N. 1 st Ave.	10 AM – 5 PM	10 AM – 5 PM	10 AM – 5 PM

SAMPLE BALLOT/B

OFFICIAL BALLOT OF THE REPUBLICAN PARTY
BOLETA OFICIAL DEL PARTIDO REPUBLICANO
PRECINCT / DISTRITO ELECTORAL

INSTRUCTIONS TO VOTERS:
To vote for the candidates, mark the oval to the left of the name of the candidate. VOTE THE

INSTRUCCIONES PARA VOTANTES:
Para votar por los candidatos, marque el óvalo a la izquierda del nombre del candidato. VOTE ASÍ

REPUBLICAN PARTY CANDIDATES FOR
PRESIDENT OF THE UNITED STATES
CANDIDATOS DEL PARTIDO
REPUBLICANO PARA PRESIDENTE DE
LOS ESTADOS UNIDOS

VOTE FOR NOT MORE THAN 1
VOTE POR NO MAS QUE 1

- MITCHELL, JAMES CREIGHTON
- MCENULTY, FRANK
- ROANEY, MITT
- THOMPSON, FRED
- COIT, HUGH
- SHAW, MICHAEL P.
- SHELLEY, CHARLES
- PAUL, RON
- RITZKIND, JOHN MICHAEL
- FORTMAN, BOB
- HORNBECK, MIKE
- MCGRATH, DONALD
- OUTZEN, RICK
- BURZYNSKI, MICHAEL
- MURPHY, SEAN "OP"
- MCCAN, JOHN
- HUNTER, JUNCTION
- FULBER, DAVID
- SMITH, RHETT A.
- KEYES, ALAN
- CURRY, JERRY
- GILBERT, DANIEL
- SHEPARD, JACK
- GALLAGHER, RUDY

SAMPLE BALLO

OFFICIAL BALLOT OF THE DEMOCRATIC PARTY
BOLETA OFICIAL DEL PARTIDO DEMOCRATA
PRECINCT / DISTRITO ELECTORAL

INSTRUCTIONS TO VOTERS:
To vote for the candidates, mark the oval to the left of the name of the candidate. VOTE U

INSTRUCCIONES PARA VOTANTES:
Para votar por los candidatos, marque el óvalo a la izquierda del nombre del candidato. VO

DEMOCRATIC PARTY CANDIDATES FOR
PRESIDENT OF THE UNITED STATES
CANDIDATOS DEL PARTIDO
DEMOCRATA PARA PRESIDENTE DE
LOS ESTADOS UNIDOS

VOTE FOR NOT MORE THAN 1
VOTE POR NO MAS QUE 1

- WHITEHOUSE, SANDY
- RICHARDSON, BILL
- LYNCH, FRANK
- KRUEGER, KARL
- DRAMA, BARACK
- EDWARDS, JOHN
- BOLLINGER, PETER "SMOK"
- MONTELL, LELAND
- SEE, CHUCK
- HUBBARD, LIBBY
- GERT, LOTTI
- DALEY, ORSON
- CAMPBELL, WALTER
- TAMMER, PHILIP
- RUSCHAK, DENNIS J.
- CLINTON, KELLARY
- DOBSON, EDWARD
- HAYMER, TISH
- LEE, RICH
- ONTMAN, MICHAEL
- GRAVEL, MIKE
- VITULLO, EVELYN L.
- BODD, CHRISTOPHER J.
- GRAYSON, RICHARD

Presidential Preference Election
February 5, 2008

The administration of the Presidential Preference Election has some unique characteristics that poll workers need to be aware of. They are:

1. By law the Presidential Preference Election is a CLOSED election - only voters previously registered (by no later than January 7) as either Democrats or Republicans are eligible to cast a ballot in the election. (provisional ballots will be available for all voters - as needed)
2. Only registered Democrats and Republicans have been mailed sample ballots and "yellow cards"
3. Your signature roster and precinct registers will only reflect the names of voters registered as Democrats or Republicans.
4. By law the usual number of polling places (approx. 400 in number) has been reduced to 200 polling places.
5. By law candidate names are placed on the ballot by lot
6. By law there are no write-in candidates allowed
7. By law no other elections may "share the ballot" during the Presidential Preference Election.

Other important changes - not only for the Presidential Preference Election but for the balance of 2008:

NO MODEMING - After the polls close the Inspector and precinct workers will continue to end voting as in the past (yellow ender card and two unofficial results tapes). However, you will no longer modern election results from the scanner. After you end voting and produce the two unofficial results tapes, merely place the scanner in its black bag and return.

NEW INSPECTORS NOTEBOOK - The pink inspectors note book is now laid out in chronological order.

NEW BALLOT TRANSFER BAG - After the polls have closed you will, as usual, remove the cast ballots from the large black ballot box and place the cast ballots in a transfer bag. There is now a bright blue ballot transfer bag with a unique tamper evident seal. Place the ballots and other required items in the blue bag, seal the blue bag with the white seal from the inspector's note book, and return the blue bag at the end of Election Night.

SEAL LOG - The seal log is a single white sheet of paper found in the inspectors note book. The log is provided for the Inspector and Judge of the Opposite Party to make certain that the numbered seals on the voting equipment (scanner and touch screen) are identical to the seal numbers reflected on the seal log. The seals should match and never be removed. This restriction includes poll workers. Do not remove the seals.

Call the Election Hotline immediately if any seal is missing, does not match the log, or appears to have been tampered with. NEW - Your Election Troubleshooter will also check the seal log and seals for accuracy and sign your seal log.



**THE HELP AMERICA VOTE ACT IS CLEAR: EVERY VOTER GETS A CHANCE TO VOTE
DO NOT PROHIBIT ANYONE FROM VOTING!**

Proof of Identification at the Polls

- All voters are required to show proof of identity prior to being issued a ballot.
1. If a voter's identification matches the information in the precinct roster they are issued a **REGULAR BALLOT**.
 2. If a voter presents identification that does not match the precinct roster they are issued a **PROVISIONAL BALLOT**.
 3. If a voter has **NO** identification - they are issued a **CONDITIONAL PROVISIONAL BALLOT**.

Procedure

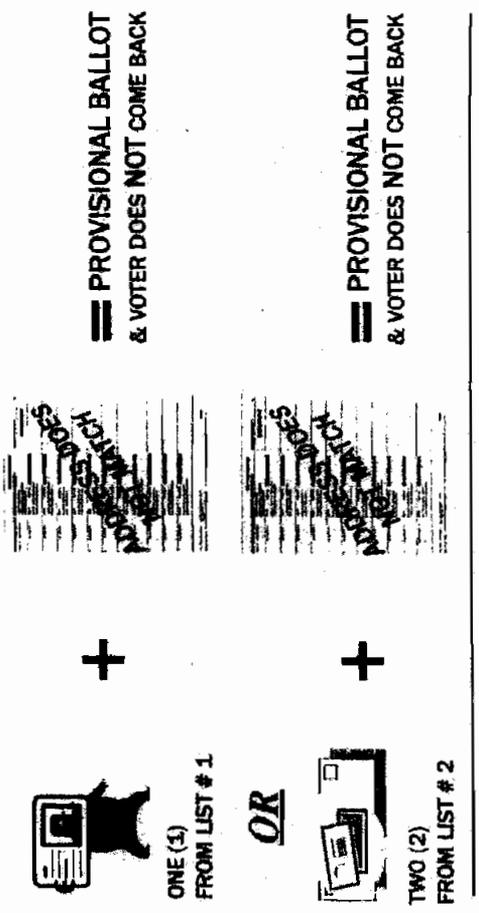
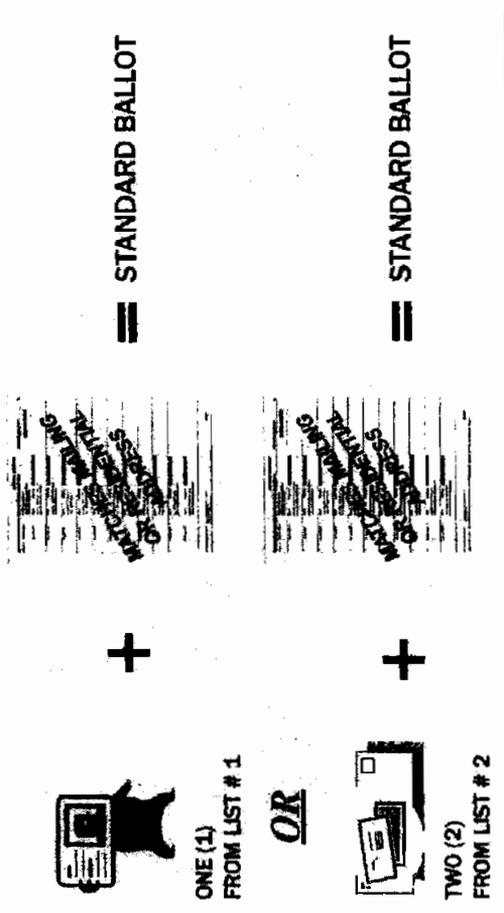
The voter shall announce his/her name and place of residence to the election official and present one form of identification from **LIST #1** that bears the name, address, and photograph of the voter **OR** two different forms of identification from **LIST #2** that bear the name and address of the voter.

List #1 - Sufficient Photo ID (including name and address):

- Valid Arizona driver license or non-operating identification
- Tribal enrollment card or other form of tribal identification
- Valid U.S. federal, state or local government issued identification

List #2 - Sufficient ID without photo bearing the name and address (two required):

- Utility bill of the voter that is dated within 90 days of the date of election. A utility bill may be for electric, gas, water, solid waste, sewer, telephone, cellular phone or cable television.
- Bank or Credit Union statement that is dated within 90 days of the date of the election
- Valid Arizona Vehicle Registration
- Indian Census Card
- Property tax statement of the voter's residence
- Tribal enrollment card or other form of tribal identification
- Vehicle Insurance Card
- Valid U.S. federal, state, or local government issued identification
- Voter Registration Card/Recorder's Certificate
- Any "Official Election Material" mailing bearing your name and address



The Voter has **NOTHING** from List # 1
OR
only (1) one item
OR
NOTHING from list # 2

**"CONDITIONAL" PROVISIONAL BALLOT
& VOTER MUST RETURN WITHIN 3 DAYS TO SHOW IDENTIFICATION**

Pima County Election Planning

Flow and Controls of Early Ballot Processing

As of 4/1/08

Control of ballots received in an election is extremely important to insure that every ballot is accounted for up through the counting and even the audit process. The objective of this document along with the planned accompanying flow chart and Gantt Chart is to identify the many steps involved in this complex process along with the timeline and applicable controls needed to insure clear communication and accountability throughout the process. This preliminary document is organized around the two related departments and will be continually updated as details of various steps are documented.

RECORDER

Once the Recorder receives early ballots from the Division of Elections, the processing steps and procedures and security measures fall under the jurisdiction of the Recorder. The following are a list of steps provided by the Recorder's Office. At all steps the Recorder's Office has staff present who are registered members of different political parties. The Recorder's Office has also invited observers from the political parties to watch any step in the process.

A. Receipt of Blank Ballots from Division of Elections

- 1) Inventory of ballots
- 2) Secure ballots
- 3) Stock remote early voting site facilities and transport ballots

B. Early Ballots Sent by Mail

- 1) Print ballot applications. The computer tracks all ballots printed by a batch number and type of request (Internet, phone or written). Batch numbers are assigned at the time of printing and use an alphabetical date and chronological number batch code. As the computer gathers each ballot request for printing, the computer assigns the batch number to each ballot affidavit printed and prints this number on the ballot affidavit. The number is also preserved in the voter's registration record.
- 2) The computer also tracks when multiple ballot requests have been received for any voter and will indicate "second" or "third" ballot information in both the voter's registration record and print this information directly on the ballot affidavit. This occurs if a voter has made an error on their early ballot.
- 3) Assemble ballot packages
- 4) Perform quality control checks/seal ballot packages
- 5) Sort the packages for reduced mail rates

- 6) Transport ballots to the Post Office

C. Voted Early Ballots Received by Mail

- 1) Receive ballots from Postal Service and transport to secured location
- 2) Open security mailing envelope and remove affidavit. Refer any problem ballots to staff assigned to process problem ballots.
- 3) Conduct signature verification and inventory accepted ballots through computer system. Refer ballots with questioned signatures to staff involved in follow up process.
- 4) Store accepted ballots in trays based on signature verification operator and in chronological order based on when operator verified signature in secured storage room.
- 5) Store questioned signature ballots in secured storage room until signature issue resolved.
- 6) Print turnover report from computer system listing each ballot accepted by operator in chronological order. Batch number is assigned at the time the inventory is printed using letter and number code. Letter indicates day that turnover report was generated and number indicates the consecutive number of turnover reports generated in a calendar day. Computer system assigns each ballot an inventory number which is printed on the inventory report and uploaded to the voter registration record for that voter. The turnover report is printed in triplicate.
- 7) Two staff members of different political party affiliations (and not the signature verification operator) will compare the list of ballots generated by the computer to the ballots physically present to ensure all ballots are present. This is done verbally with one person reading the name and the other person reading the voter information printed on the ballot affidavit containing the voter's voted ballot. As each voter's ballot is confirmed to be present, the staff member reading from the computer generated inventory sheet makes a check mark next to the voter's name. Both people initial each page of the report after all ballots have been confirmed to be present. The checked and initialed copy of the inventory report is kept by the Recorder's Office. Once all ballots are confirmed present for every two pages of the computer generated report, the ballots are wrapped with one copy of the report and secured with a rubber band and placed in the tray. Any problems at this stage result in immediate notification of supervisor. If all ballots are present, tray is covered with a Postal Service sleeve and either returned to secure storage room or readied for hand-off to Division of Elections.
- 8) Once all ballots from every operator identified in a turnover report are accounted for, a receipt is generated and the ballots are transported to the Division of Elections. Division of Elections is

provided one full duplicate copy of the computer generated inventory report, plus a second copy is included with the ballots (wrapped around the ballots as set forth above).

- 9) If ballot listed on report is not physically present, search is conducted through all ballot trays including problem and rejected trays. If ballot cannot be located, supervisor is notified and operator is interviewed. If ballot is located and ballot should not have been accepted, ballot will be "red lined" on all copies of ballot turnover inventory and red line report will be generated and included with ballots turned over to Division of Elections.
- 10) Signed receipt showing the number of ballots handed over to the Division of Elections is posted on the Recorder's website.

D. Ballots Returned by Mail With Questioned Signatures

- 1) Once an operator determines that a signature cannot be validated after initial review, the operator makes an attempt to contact the voter by phone. Operator will confirm voter's identity using confidential information from voter's registration record. If voter confirms signature, operator will make note of the conversation on the ballot affidavit, enter the acceptance of the ballot in the computer and place the ballot in the operator's tray as normal practice.
- 2) If operator is not able to contact voter directly, ballot will be placed in "questioned signature tray" in secured ballot storage room with control form attached indicating problem and attempted contact with voter.
- 3) Staff member assigned to follow up with questioned signatures will review each questioned signature again. If no contact has been made with voter by middle of day, staff member will send letter to voter by regular mail and make notation on control form of date letter sent.
- 4) If voter responds to letter or to phone call on business day after initial call, voter's identity is confirmed based on confidential information in voter registration record. Person taking call will make note on control form as to substance of conversation and whether or not signature was validated. If signature validated, ballot verification will be entered into computer system and ballot will be moved to signature verification operator's tray with note of confirmed signature written directly on ballot affidavit. Control form will be placed in filing box.
- 5) All questioned signature ballots are reviewed by supervisory staff to confirm questioned status of signature.
- 6) If signature cannot be verified, ballot and control form will be placed in "disqualified ballot" box until after election is completed.

- 7) After election is complete disqualified ballots are inventoried and secured in a box. A receipt is prepared and the ballots are transferred to the Division of Elections.
- E. Problem Ballots Received by Mail. These are ballots missing the ballot affidavit, missing the ballot (empty affidavit envelope), are not signed or are signed by a person holding Power of Attorney.
- 1) Ballots sorted by reason for problem.
 - 2) Power of Attorney ballots immediately placed in disqualified ballot tray and computer programmed to send second ballot to voter. Letter sent to voter informing of Arizona law prohibiting Power of Attorney in voting.
 - 3) Ballots missing the affidavit remain in yellow mailing envelope. If voter can be identified based on return address on envelope, a new ballot affidavit is generated for the voter and the new ballot affidavit, plus the voted ballot are mailed back to the voter with instructions on proper processing of the ballot.
 - 4) If voter cannot be identified (no return address on returned mailing envelope), ballot is placed in disqualified ballot tray.
 - 5) Empty ballot affidavit envelope. An operator will issue the voter a new ballot package by mail including a letter informing them of the missing ballot. New package is assembled and mailed to voter. Empty envelope is placed in disqualified ballot tray with notation on control form of date when replacement ballot was mailed.
 - 6) Ballot affidavit missing signature. Letter generated to voter informing them of missing signature. Ballot sent back to voter with letter including a self-addressed postage-paid envelope.
 - 7) Above steps are modified as election date nears and lack of time for mail notification. At that time, the voter is called and advised to either go to an early voting site to vote a new ballot, go to their polling site to vote a provisional ballot or to come to the Recorder's Office downtown office to sign their ballot affidavit. Ballots remain in secured storage facility until after election day unless voter appears at main office to correct problem.
 - 8) For problem ballots received on election day and all problem ballots not corrected by close of polls on election day, ballots are placed in disqualified ballot tray and inventoried after election. Ballots are then secured in a box and transported to the Division of Elections.
- F. Satellite Walk-In Voting Sites for In-Person Voting.
- 1) Once ballots are inventoried upon receipt from the Division of Elections, a supply of ballots is designated for each remote site voting location. An inventory of ballots to be sent to each site is prepared and the ballots are counted and placed in filing cabinets

- for each site. Once filled and audited, the cabinets are locked and transported to the remote sites.
- 2) Remote site staff, consisting of not less than two people with different political party affiliations, conducts inventory of ballots at the remote site to confirm presence of all ballots.
 - 3) When voter arrives at site, information is confirmed for voter and computer generated ballot label is produced. Label includes voter's name, address, precinct number, voter identification number, ballot style, and date ballot issued. Label also includes chronological number for ballot issued that calendar day and identifies the site facility where the label was generated. This information is also tracked in the Recorder's main computer system. Label is attached to ballot affidavit and voter signs affidavit.
 - 4) Staff member removes correct ballot style from file cabinet and gives to other staff member to compare ballot style with label information. If both staff agree correct ballot style was pulled, ballot and ballot affidavit are given to the voter.
 - 5) Voter marks ballot and seals ballot in ballot affidavit envelope.
 - 6) Sealed ballot affidavit envelope containing marked ballot is placed in locked ballot box.
 - 7) At end of day, ballots from ballot box are removed from box, placed into chronological order for that day and secured with a rubber band. Ballots are then placed in locked filing cabinet.
 - 8) Satellite runner will pick up ballots from remote site for transport to downtown facility. Ballots are transported in separate containers for each satellite location.
 - 9) Once ballots arrive downtown, signature verification occurs for all ballots voted at the remote locations. At all times the ballots are kept separate and in chronological order for each site. If signature cannot be verified, the supervisor is immediately notified and supervisor conducts procedure of contacting voter same as for ballots received by mail with questioned signature.
 - 10) After signatures verified, ballot turnover inventory report is generated by computer in triplicate. Turnover identifier is entered at time of generation using same date and sequence (alpha and numeric) identifier stated above for mailed ballots. Computer assigns chronological turnover code number to each ballot listed on report.
 - 11) Two staff members of different political party affiliation will conduct inventory comparison of inventory report with ballots physically present. This is done verbally with one employee reading the names and the other confirming the ballot's presence. Staff member reading name will make a check mark next to voter's name on inventory report to indicate ballot was present. When pages are completed, both employees place their initials on each

- page. Completed marked inventory pages are kept by Recorder's Office.
- 12) Once staff has confirmed all ballots present for two consecutive pages of inventory report, ballots will be wrapped with those two pages of the report and secured with a rubber band and placed in a tray. Once tray is completed, tray is secured with postal sleeve and returned to secure ballot storage room or prepared for hand-off to Division of Elections.
 - 13) In the event a ballot is missing or signature cannot be verified by the turnover time, the supervisor and management staff are notified and voter contact or other facility search occurs. Remote site staff may also be interviewed. If necessary, red line report prepared in same manner as for ballots returned by mail.

G. Special Assistance Voting (Team Voting) Ballots.

- 1) One staff member is assigned to coordinate processing all requests for special assistance team voting to ensure that voters really need the team process.
- 2) Once a request is validated, the request is entered into the computer system and identified as a team voting ballot and the ballot affidavit is printed specially.
- 3) The project leader will pull two ballots for each team voting request. The ballots, ballot affidavit and map to assist the team in locating the voter's address are placed in a secured transportation container.
- 4) Two staff members with different political party affiliations and one male, one female, will transport the voter's ballot to the voter's residence, hospital room or other place of confinement and assist the voter, if necessary.
- 5) Once the voter has marked the ballot or the ballot has been marked in accordance with the voter's instructions, the ballot is sealed in the ballot affidavit envelope and the voter signs the ballot affidavit. If the voter is not able to sign the affidavit due to physical condition, the two members of the voting team will sign on the voter's behalf or witness the voter making a mark.
- 6) The ballot is then returned to the transportation container and returned to the downtown office.
- 7) The container is returned to the project coordinator who removes the voted ballot and the second ballot (either not voted or spoiled). The voted ballot is processed with all other satellite ballots. The not-voted ballot is returned to ballot inventory unless spoiled. The spoiled ballot is processed as a spoiled ballot.
- 8) Upon return of the voted ballot, the project coordinator enters a ballot return date in the computer so that the team voted ballot will appear on the next turnover report and the ballot is placed in the accepted ballot trays for that operator.

H. Spoiled and Damaged Ballots

- 1) Damaged ballots are any ballots that are received by the Recorder's Office from the Division of Elections in damaged condition, or any ballot damaged by the machine assembly process.
- 2) Damaged ballots are immediately placed in a storage container at the Mission Road assembly site. The container or box is labeled for damaged ballots.
- 3) Damaged ballots are secured in the ballot storage room each day.
- 4) At the end of the election cycle, the ballots in the damaged ballot container are inventoried, the ballots sealed in a box and then transported to the Division of Elections.
- 5) Spoiled ballots are any ballot that was provided to a voter and/or was marked or partially marked and then returned to the Recorder's Office at the request of the voter without being voted. A spoiled ballot is usually returned due to an error by the voter with a request for a replacement ballot or if the voter requested to vote in person but then decided that they were not yet ready to vote.
- 6) A spoiled ballot at any satellite voter location will be marked with the word "spoiled" across the face of the ballot. The ballot will be placed in the voted ballot box at each location. The spoiled ballot will be kept with all voted ballots for that location until transported to the downtown processing location.
- 7) Staff at a satellite location may issue a replacement ballot at any walk-in satellite location only after taking possession of the spoiled ballot.
- 8) Once the spoiled ballot has been received at the downtown processing location, staff will note the satellite location where surrendered on the ballot and place the ballot in the "spoiled ballot" tray.
- 9) The Recorder's Office may receive spoiled ballots by mail that will be clearly marked as spoiled by the voters. These ballots will also be placed in the "spoiled ballot" tray. Depending on instructions received from the voter, a replacement ballot by mail may or may not be sent.
- 10) At the completion of the election, all spoiled and damaged ballots are inventoried, sealed in a box and transported to the Division of Elections.

I. Final Ballot Inventory

- 1) At the end of the election, surplus non-voted ballots from all satellite locations are returned to the ballot staging area in the locked file cabinets.

- 2) The ballots are inventoried and then sealed in boxes labeled as to content.
- 3) All ballots from the mail out location are inventoried and sealed in boxes labeled as to content.
- 4) The total number of all surplus early ballots is then obtained and a receipt prepared. Those ballots are then transported to the Division of Elections.
- 5) A final reconciliation is then conducted comparing:
 - a) total number of ballots received at the beginning of the election,
 - b) total number of ballots mailed,
 - c) total number of ballots issued at satellite walk-in locations,
 - d) total number of ballots damaged,
 - e) total number of ballots spoiled,
 - f) total number of surplus non-voted ballots.
- 6) A final reconciliation is completed listing:
 - a) total number of ballots turned over to the Division of Elections,
 - b) Total number of ballots disqualified.

Please note that during many early voting election cycles, the Recorder's Office provides daily listings of voters who have requested early ballots and regular listings of voter's who have had their ballots returned and validated to political party chairs and to candidates. For city/town elections, this data may be provided to the city/town clerk.

ELECTIONS**A. Processing of Ballots received form the Recorder**

- 1) Initial process
 - a) Count Ballots and validate against transmittal log.
 - b) Open Ballot
 - i. Log exceptions by batch and error type – empty, gas bill, water bill
 - c) Verify readability
 - d) Verify no duplicates
 - e) Create exception Sub-Batch(s) – track by batch and exception category
 - i. Create sub-batch for each Board – Duplication, etc.
 - ii. Count exceptions by exception type
 - iii. Create log entries for each sub-batch
 - iv. Create Transmittal sheet for this sub-batch with counts and appropriate steps checked off. Each step must then be signed off by that Board when complete.
 - v. Exception sub-batches then stay together until all ballots are satisfactorily processed. If Ballot cannot be processed, it is placed into a final exception group and logged with the original sub-batch number and reason for removal. Sub-Batch count is then reduced accordingly on the log.
 - f) Regular ballots loaded into boxes for transmission to Counting Center. Batch Transmittal Form updated with new counts, verified and signed off. Counts noted will be
 - i. Original from Recorder
 - ii. Exceptions
 - iii. New batch count
 - g) Update Transfer Log to Counting Center
- 2) Exception process
 - a) Duplication Board
 - i. Verify sub-batch count
 - ii. Match ballot to appropriate Precinct
 - iii. Remove blank duplicate ballot from controlled stack
 - iv. Log ballot use by precinct, with voter name, and Board member name (whomever is responsible for controlling the blank ballots)
 - b) Make Duplicate Ballot –
 - i. Log on Duplicate Ballot log
 - ii. File original ballot into box for verification if needed.
 - a. Keep by Precinct?
 - iii. Complete all ballots in this sub-batch to maintain batch integrity.

- iv. Remove problematic ballots to specific box for exception handling. The sub-batch should not proceed until all exceptions are resolved.
- v. Count ballots – dups and problems
- vi. Update transmittal sheet with counts
- vii. Log sub-batch on transfer log for Counting Center
- viii. Ship sub-batch to processing center
- c) Repeat the above for any other exception Boards handling ballots
 - i. Write-in Board
 - ii. Provisional Board
 - iii. Audit Board

B. Elections Counting Center

- 1) Intake control
 - a) Log Batch (or sub batch) into center batch log
 - b) Verify counts against transmittal sheet
 - i. Handle exceptions with Manual Processing Center prior to allowing batch (sub-batch) to enter processing area
 - c) Sign transmittal sheet
 - d) Transfer to Counting Room
- 2) Counting Room
 - a) Log each batch (sub-batch) processed
 - b) Scan ballots in box.
 - c) At end of batch scanning, record count of ballots processed on log
 - i. Identify exception (unreadable) ballots
 - ii. Update batch count
 - iii. Create another sub-batch for exceptions with transmittal sheet
 - iv. Return to manual processing center
 - a. Log sub-batch out of Counting Room
 - e) If declared to be an Audit Batch – note accordingly on transmittal and log
 - i. Log the actual “Deck” Number assigned to the Audit Batch.
 - ii. Run appropriate reports, do not show the reports to anyone and insert into box and seal.
 - f) File non-audit batch in vault- update the transmittal as processed
 - i. File audit batches in special area in vault.
- 3) Early Vote Processing procedures
 - a) ***This will be a step by step process of how batches are processed, how ballots are opened, processed, and placed***

back into boxes, logged as they go out of the Counting Room and logged into storage as well as the following:

- b) Security Review – Prior to any votes being counted, the Secretary of State’s Office does a Logic and Accuracy test to resolve that the GEMS system programming and counting of results meets their specifications. The Parties also participate in a Logic and Accuracy Test. As a part of the Parties’ L & A process, a security checklist will be developed by Pima County and reviewed with party observers to insure a complete technical review occurs during the Parties’ L & A test session.
- c) Processing –
 - i. Observation rules:
 - a. A processing schedule for each election will be provided to the political parties no less than ___ days prior to processing ballots. Parties will be required to confirm their desire to observe ballot processing by providing a list of their observers for this particular election. The Party Observer List is due a minimum of 24 hours prior to the first scheduled ballot processing session. Any deviation from the planned Ballot processing schedule will include notification of the Parties via telephone, e-mail or in person. It is up to the Parties to notify their observers that are scheduled. There shall be no more than one observer from each Party in the Counting Room at one time unless requested by the Elections Director.
 - ii. Processing will not commence prior to the scheduled time. If Parties have indicated they plan to observe, but no observers are present, processing will not commence until the parties have been given a grace period of 15 minutes from the scheduled commencement time (*or consider - until one hour after the Party Chair has been notified*). If additional grace time is requested, approval is at the option of the Elections Director. In large elections, thousands of early ballots must be processed, so Parties must recognize the need to have regular, frequent and potentially long processing periods.
 - iii. If the parties do not respond positively to having observers (such as in a non-partisan election), it is appropriate for Counting to begin without observers

in the room, but all other controls identified herein must be observed.

d) Reporting:

- i. Periodically, and at any major break in processing, staff will run the "Cards Cast" report to reconcile with logs described above. Copies of the report will be provided to Observers as well as attached to the log and referenced to the appropriate log entry.
- ii. Other than as control reports immediately prior to, and immediately following, the processing of a designated "Audit Batch" no "Summary Report" will be produced prior to one hour after close of polls on Election night. The Audit reports will be produced, noted on the report as such (which shows on the log) and immediately deposited and sealed into the Audit Batch box without analysis by anyone other than to insure something printed.

e) Backup:

- i. At the end of any group of batch processing (such as a lunch break or end of day), a final "Cards Cast" report must be generated for that session. The GEMS database will be backed up to the backup server and named as follows: Example – BACKUP – Lunch – mmm-dd-yyyy hh:mm
 - a. Backups will be identified in the processing log kept in the computer room.
 - b. Exceptions that occur will also be noted in the log.
- ii. At the end of the day, the Backup file will be copied to CD-ROM, sealed in an envelop with serialized tamper evident seals, logged into the processing log and witnessed by observers, then removed from the premises, and placed in a secure location.

f) Consolidation:

- i. Periodically, there will be a need to consolidate files. Due to the nature of the GEMS file structures, processing slows down after some number of ballots have been processed. The accepted process to reorganize or "Consolidate" the files is to run a "Cards Cast" report, create a backup as described above, then restore that backup to the production area. Since the main GEMS production file will be overwritten, a duplicate backup of the database prior to, and following the restore, will be copied to CD-ROM for safe keeping, sealed and secured off site just like the backup.

- ii. Immediately upon successfully restoring the GEMS database, a “Cards Cast” report will be run and compared to the report produced prior to the backup to insure consistency of the data. These reports will then be kept with the log to reflect the details as of the time this step occurred.
- g) Creation of “Export” files for Secretary of State
 - i. Periodically (*NEED DEFINITION*) the County is required to export the current status of the votes cast and transmit this to the Secretary of State’s Office for posting to their web site. The format of this file is predetermined by the Secretary of State.
 - ii. Steps are:
 - a. Diskettes will come from a new package that will be initially opened under party observation.
 - b. Observers are shown that the Directory of the diskette that will contain the file is empty to insure that there is nothing on the diskette.
 - c. This file is copied to a empty diskette, removed from the Counting room and transmitted to the Secretary of State from another computer on the County network.
 - d. The diskette is simply filed and not reused in this context.
- h) Processing Log
 - i. A Processing Log shall be maintained to identify each step of the processes during an entire election – this log should begin when the initial database is created and include all activities affecting the data in that election examples include:
 - a. Creation of election details
 - b. Copies made of the database with purpose and specific name and directory identified
 - c. Creation of program cards for Scanners and TSX machines
 - d. Creation of files for Ballots
 - e. Creation of any files for the Secretary of State
 - f. Creation of ANY other export or copy with reason and destination documented.
 - g. Backups
 - h. Consolidations
 - i. Creation of ALL reports
 - j. Any maintenance needed on the equipment or software.

- k. Any other activity affecting the operation of the systems or potentially affecting data.
 - l. Any other exceptions that occur but do not have a category or log.
 - ii. Voice Recording Log – Due to the multi-tasking required during certain periods in the election process (especially Election Night) it may be necessary to document issues or actions in a voice recording log. This log will be created on a portable digital recorder and downloaded to _____ for inclusion in the records for that election.
 - i) Room security
 - i. There is an access control system for the Elections Processing Center but often multiple parties are allowed into the Counting Room. A Manual Log identifying all parties given physical access to the room has been created and shall be maintained. The log must contain identifying information as well as the time in and time out. This process applies to access during non-election periods.
 - ii. The following devices are prohibited in the Counting room as well as rooms adjacent to the Counting Room:
 - a. Any USB storage key – often called a “Jump Drive” etc.
 - b. Laptop or tablet computer in the Counting room
 - c. Laptop or tablet computer with Wireless transmission capability turned on in the adjacent rooms including the observation room.
 - j) System Security
 - i. The Windows system administration capability for the Elections GEMS server will be handled by the Information Technology Technical Services Group. This separates the capability to add and remove hardware or software to/from the system as well as perform software installation and updates.
 - ii. The choice has been made to use one GEMS login with a “Split” password with each key operator knowing a part of the password needed to log into the system. As is the current practice, the passwords would be locked up in a vault and only accessed in case of an emergency when both of the primary operators cannot be present. Additionally, two other Elections staff members will be given access to half

of the password in case one of the primary operators cannot be present.

- iii. System cabinet access will continue to be sealed following disconnection of network and keyboard/mouse connections. The current procedure to use serialized tamper evident seals and manual logging will continue.
- iv. USB ports will always be disabled on both the primary and backup machines. Special occasions such as having to produce large copies of files for public records requests on USB hard drives will only be accomplished with observation by the party making the request. Enabling and disabling these ports must be observed by these parties as well as logged.
- v. No wireless or outside network cable capability shall be introduced into the counting room. If software upgrades must be applied, the IT Department along with the Elections Technical staff shall complete the process. The Elections staff will be charged with the completing a full system backup prior to any activity; log, in detail, all steps taken; and complete a full system backup post the activity – and seal those backups for 2 year retention.