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# MEMORANDUM

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Date: February 13, 2008

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

From: C.H. Huckelberry  
County Administrator 

Re: Elections Procedures and Security - Public Review and Comment

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 modifications related to election procedures. In that report I indicated that the Elections Division would hold four public meetings throughout the community to gather public input. In addition, the October 19 report has been posted on the County's web page, with an invitation to review and comment directly on the report. The comment period closed January 31, 2008. Attachment 1 is a list of all comments received from the web page posting and other comments that have been received so far on this matter.

To avoid any misinterpretation as to the public comments received from the various public meetings around the community, a court reporter was requested to transcribe the proceedings. The transcription of each public meeting is attached as Attachment 2 for your information and review.

This information is being provided to the Board as an advance copy for review of public comment on this subject. I will be concluding and forwarding to the Board in early March, a report regarding all recommendations of staff regarding election security modifications and other actions that may be necessary in order to improve election processing. Included in this report will be an analysis and critique of the Presidential Preference Election that was held on February 5, 2008.

CHH/jj

#### Attachments

c: Christopher Straub, Chief Civil Deputy County Attorney  
Dr. John Moffatt, Office of Strategic Technology Planning  
Brad Nelson, Manager, Division of Elections

## Attachment 1

# Pima County Public Comment

Public comments on current Pima County Issues

WEDNESDAY, OCTOBER 24, 2007

## Election Security Report

On October 19, County Administrator Chuck Huckelberry sent a report to the Board of Supervisors regarding Election Security. The full text of the report is [here](#).

Pima County is interested in public comments on this issue and invites the public to comment using the add comment link below this message.

We thank you for your participation.

PLEASE NOTE: The comment period will end on January 31, 2007. Please make sure you submit your comments before then.

[add a comment](#)

## Reader Comments:

Tuesday, November 06, 2007 by Michael

What is the problem?

Tuesday, November 06, 2007 by Michael

Sorry, didn't see the link to the report

Thursday, November 08, 2007 by Mrs. Sharon Calabrese - spcal01@juno.com

How is it determined that the voter is a citizen of the United States Of America?

Thursday, November 08, 2007 by Mrs. Sharon Calabrese - spcal01@juno.com

How is it determined that the voter is a citizen of the United States Of America?

Thursday, November 29, 2007 by Tom Ryan

Pima Co has been responsive to requests by the Democratic Party to improve election security and accuracy and many of the changes, both completed and planned, will strengthen election integrity in Pima Co. However, there are still holes in the plan. The double-password requirement is helpful, but as soon as a valid login occurs, it is unlikely that both parties will remain active users. This leaves the system vulnerable to a single user, as before.

Hash testing the databases is useful, especially if a method can be achieved for testing

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the static parts of the database. However, the portion of the database that is not static (e.g., the vote count) is still vulnerable to manipulation via the well known security holes in the GEMS database. This poorly designed database is also subject to inadvertent data corruption due to concurrency effects. Errors that occur in the non-static part of the database during the day will most likely not be detected.

Although the county is planning to purchase a new voting system by 2010, it may not be possible to obtain better equipment given the apparent lack of vendor interest in providing secure systems. The county should join forces with other AZ counties to promote the development of a truly secure system. If you don't ask for it, you won't get it.

Thursday, November 29, 2007 by Frank Henry

To: Pima County Election Team

From: Frank Henry, Cottonwood, Arizona

Possible suggestions to improve the "purity" of counting each and every vote of every voter.

1. Stop pre-election tabulation process. Yes, we will still have early ballots (used to be called absentee ballots). The early ballots should be kept sealed. Should be sorted by precinct and delivered to respective precinct on election day. The early ballots should then be checked in against the precinct check list and then counted with the election day ballots.
2. a) Where/When voting machines are used a Post Election Voting Machine Verification manual hand count of the paper ballots should be conducted.  
  
b) The hand count should be done on a 100% sample basis at each polling place at the end of election day. Or;  
  
c) The hand count can be done on a sample basis using objective lot size selection and sample test methods using MIL-STD-105 or a similar standards as a guide.  
  
d) The hand count should include all position on the ballot...we are checking for machine failure(s) at every position on the ballot.  
  
e) The hand count acceptance accuracy should be 0.01% (Not the 2% that is now in place).

Since the hand count process is a measuring tool of evaluating the voting machine performance; from engineering practices a measuring tool should have an accuracy ten times greater than any performance criteria related to the voting process. The laws of Arizona has established for re-count consideration 0.1%. Hence 0.01% is the ideas level for the hand count process.

f) When performing the hand count...ensure voter's intent is counted and recorded with the hand count tabulation.

g) If the machine tabulation not the same as the hand count tabulation...the hand count should be the official count for the machine.

h) The hand count verification should be used at ALL elections where/when voting machines is/are used. ALL means federal, state, local, city, town, school, fire, county and any other political districts.

Pima county leadership need to work with all the counties and the state to seek "pure" election laws as is spelled out in our state constitution.

Thanks and Good Luck

Frank Henry  
Cottonwood, Arizona  
Tel: 928-649-0249  
e-mail: fmhenry4@netzero.com

Thursday, November 29, 2007 by Ben F. Love

While I realize there is no fool-proof voting system, the present systems, because of their lack of security, must be very expensive to operate. The data provided in the report do not include operating costs. I heard it cost \$4,700/vote for the TSx. I am sure the Federal Govt. is not going to pay that bill. It seems we cannot afford the luxury of having these fancy, faulty machines. The states of NM and NY do not use the TSx. Their lawyers must have found a loophole(s) in HAVA.

Pima Co. should discontinue use of the TSx. The City of Tucson doesn't use them. Probably the disabled would rather have the money spent in making the polling places more accessible than on machines they seldom use.

Friday, November 30, 2007 by Dennis Williams

Simple ways to count in public:

(for more: google blackboxvoting)

Method A. Position real people such that observers can see the face of each ballot they count. Allow the public to videotape ballots as they are counted at the polling place.

Method B. For technology fans: Place each ballot, one by one, into optical scan machine. Scan them only when polls close, while still at the polling place. Position the scanner and the feed tray so that the public can capture close-up view of each ballot as it is fed into the scanner, one by one.

Counting method A, with no technology, can be done right now in every small jurisdiction in America, and with planning and recruitment, can be done in large jurisdictions if there is a public and governmental will to do so.

Counting method B, using technology, can be done right now with no extra cost outlay in every jurisdiction that has optical scan machines.

Simple adjustments need to be made to achieve public counting with public chain of custody:

- In some states, it is against the law to count in public with public chain of custody. (Really.) Laws can be changed.
- Mail-in voting has special chain of custody issues and needs to be examined more carefully.
- Some states use double-sided ballots. Ballot layout or procedures need to be slightly adjusted in this case.
- Some states prohibit videotaping after the polls close. The public needs a way to document with meaningful evidence. Prohibitions on videotaping the vote-counting need to be rolled back.

Friday, November 30, 2007 by Dennis Williams

In simpler language than your report page. Can you state flatly that the software from the Diebold and other machines which you use is tested by Pima County to tabulate accurately and does NOT contain programming to switch votes from one candidate to another and still come out with an accurately justified vote total?

Friday, November 30, 2007 by Jesse

Hard times are here, how can the County spend so much money? Why dont you just have, ask, beg, the City to take the Elections and let them bear the cost of it. They are geared up from just running an election and there dont seem to be any issues or problems from that process. Wash your hands of it, let them do it.

Tuesday, December 04, 2007 by Mickey Duniho

Ideas for improving election security and transparency in Pima County elections

- (1) Develop stronger ballot tracking system for early ballots.
- (2) Create a new database for each election.
- (3) Copy every election database backup to a CD, seal CD cases with tamper-revealing seals, have party reps initial the seals, and store backup CDs in a secure location. Do not rely on hash codes for security.
- (4) Never turn on the central computer or scan ballots without party observers present. Develop an emergency plan for having party reps on call.
- (5) Use Accuracy Certification Boards for early ballot scanning observers.
- (6) Double or triple the number of scanners used simultaneously to shorten the overall time required to scan early ballots. The 2006 early ballot scanning before the 2006 election lasted 40 hours. This could be reduced to 20 or even 13 hours by acquiring more scanners. This would also provide better insurance against scanner problems delaying the early ballot scanning process.
- (7) Use a clerk to track paperwork while scanning early ballots so that the scanner operator can concentrate on scanning ballots and so that the process can be better documented.
- (8) Package early ballots in batches of approximately 100 ballots, with a limit of 4 batches per box, using smaller boxes than the current system.
- (9) Have early boards seal boxes of ballots and initial the seals.
- (10) Seal early ballots after scanning and have party observers initial seals.
- (11) When creating summary reports for early ballot audit batches, seal the reports in envelopes and store in a separate sealed container separate from the ballot boxes.
- (12) Use color coded labels for ballot boxes to aid in ballot tracking.
- (13) Never print summary reports before Election Day evening except for the early ballot hand count audits.
- (14) When ending a scanning day, turn off the computer before sealing the computer case.
- (15) Have party observers check directory lists and cards cast reports at the end of each day and the beginning of the next day's scanning to confirm that no changes occurred during the interim period.
- (16) Have party observers check seals on doors and containers at the beginning and end of each scanning session.
- (17) Use multiple user accounts for GEMS so that every pair of people operating GEMS has a unique identifying user account and split password - to ensure that Windows and GEMS activity logs can track actual users.
- (18) Develop ballot inventory tracking so that all ballots, whether marked or not and whether scanned or not, can be accounted for at all times during the course of an election.
- (19) Retain copies of all ballot tracking documentation in files that are not contained in the ballot boxes, so that after the election they can be accessed after the ballots are locked in the Treasurer's vault.
- (20) I recommend against an additional testing computer in the counting room. There are simpler approaches to ensuring security, and an additional computer creates new security questions of its own.
- (21) Reduce the delay between the end of Election Day and the beginning of the hand count audit as much as possible. Arrange to begin the hand count audit immediately after the selection of precincts and races to be counted, so that there can be no

question of anyone tampering with any ballots in the interim period. If a training session is needed, arrange to conduct the training before the races and precincts are selected.

(22) Invite party Accuracy Certification Board representatives to participate in developing and reviewing the Election Department security plan. Make this effort a true partnership.

Mickey Duniho

Thursday, December 06, 2007 by Al Poll - Dem. Precinct 385 Committeeperson.

Are the optical scanning machines at the precinct level capable of tabulating and printing a summary of the election results in each precinct?

If so, each member of the election board could sign the printed summary sheet of the machine count immediately after the close of the polls, have the sheet placed in a sealed envelope, and taken to the election tabulation center by the precinct inspector. This would obviate the need of physically having to transport the bulky optical scanners to the election center.

These paper election summary sheets would constitute the official election canvass. The modern transmitted election tabulation, which would continue as in the past, could provide the public with an early provisional verification of the vote count.

Saturday, December 08, 2007 by Marjie Baker, pct 191

A. Require physical chain of custody of all ballots, data, machines, whenever and wherever moved or used. This would require 2 persons present, log in of names and activity.

Ex. 1 After poll workers deliver material to the collection center at 5151 E Broadway, Tucson, on night of election, the material is then taken to the elections warehouse. The names of drivers who deliver to the warehouse, and a log of contents should be put in a separate bag for each vehicle, with a duplicate kept by the official overseeing the collection location, and made part of permanent record. One observer from two parties should ride in those vehicles. The materials on the log of contents should be verified as having been received by 2 other persons at the warehouse. Any missing items or broken seals must be recorded, with a signature, immediately.

Ex. 2 When records or other election materials are transferred between Counties and State, or other offices, logs of all items included should be kept as a permanent record at the originating office, and included in duplicate in the package, and signed out by 2 persons. Items should be transferred by hand, if physically possible, accompanied by 2 persons. It is difficult to maintain chain of custody, when materials are mailed. At the receiving office, all materials should be signed in upon receipt by 2 persons. Verification of the contents should be done, and signed for by 2 persons, and the sending office notified of any discrepancies.

Ex. 3 All ballots, and ballot data must be secure at all times, and movements of them logged by 2 persons at every point. Ballots should not be created or printed by private contractors.

B. Observers have not always been on hand when required. During elections, on any days when voted ballots are being or may be handled, or when seals may be broken on machines, observers from 2 parties should be on hand at the elections division, in case an observer is needed. This will avoid the need to wait while an observer is called in.

Saturday, December 08, 2007 by Roger A. White, Esq.

I attended the four day trial of the recent public records request lawsuit by the Pima County Democratic Party versus Pima County.

Based upon the weight of evidence presented at trial and the testimony of all witnesses taken together, I can only conclude that Pima County should no longer be permitted to operate and manage the Pima County Elections Division.

The Elections Division should be transferred to the control and management of the Pima County Recorder's Office, as it is the Recorder's Office which operates and manages the elections division in every other county in Arizona pursuant to Arizona statute.

The County Recorder should be provided all necessary funding requested pursuant to the budget request of the Recorder's Office to address the serious security, personnel and management issues within the Elections Division disclosed at trial.

The County Recorder must also be given a free hand over all personnel and management decisions within the Elections Division. Based upon testimony at trial, there must be a firewall imposed to preclude and to prevent any undue influence or interference from the office of the County Administrator over budgetary requests, personnel and management decisions made by the County Recorder in the operation and management of the Elections Division.

Restoring the Elections Division to the County Recorder's Office would also restore accountability for the conduct of elections. The County Recorder must stand for election every four years, whereas the County Administrator is an appointed county employee who is not accountable to the public by affirmative vote. It is precisely this lack of accountability which has led to many of the security, personnel and management problems disclosed at trial.

Removing the Elections Division from the supervision and control of the County Administrator as the agent of the Board of Supervisors, however, is only a necessary first step.

The County Recorder should be required to conduct a thorough review of Election Division personnel and to hire additional qualified staff as necessary. Based upon testimony at trial, I believe it is necessary to hire a new Director of the Elections Division in whom the public can have absolute confidence in his or her professional qualifications, good moral character and judgment, and impeccable professional reputation.

The County Recorder should also be required to conduct a systematic review of all security procedures and protocols in the Elections Division, and to make recommendations for enhanced security and audit procedures.

Pima County stipulated at trial to undisputed facts that its GEMS election system is rife with security flaws and poses a serious security risk. This antiquated and insecure electronic election system must be replaced ASAP.

Moreover, Pima County should sue the vendor of this inherently defective equipment to recover its cost of purchase and vendor support contract payments over the years. Pima County should look to the recently filed \$15 million lawsuit by the California Secretary of State against election equipment vendors as an example for recovering the cost of purchase of the defective equipment delivered and the cost of "cover" for replacement equipment.

I believe these recommendations will go a long way toward providing for more secure, verifiable and transparent elections, and to restore public confidence in those individuals responsible for counting the vote. The Public must be assured that its vote is counted, and counted accurately, and that the results of an election may be verified by a hand count audit of ballots and an audit of electronic data.

The vote is the bedrock foundation upon which our democratic Republic is built, and is the fundamental right guaranteed by the Constitution upon which all other rights and liberties of citizens are secured. It is time that Pima County reaffirm its commitment to these fundamental American principles.

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Sunday, December 09, 2007 by Michael Bryan

For complete coverage of the recent trial regarding access to the GEMS database following an election, please go to <http://arizona.typepad.com/blog/2007/12/pima-county-e-8.html> for all the latest news and detailed summary testimony.

In my opinion, nothing short of replacement of the GEMS software will be adequate to address the issues raised at trial. The purchase decision for a new system must be made in conjunction with independent security experts and election integrity activists.

Every system has vulnerabilities, and those of the new system should be fully understood and planned for before it counts a single vote.

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Sunday, December 09, 2007 by M. Serengeti

Fire Brad Nelson and all the other incompetent folks that take election data home! Can the GEMS system and sue the vendor for damages! Get rid of the touchscreens! Recorder's office should take over the election division. No pre-tabulation of early ballots! We can all wait a day longer for results that have integrity. Election division should be a model of transparency and public cooperation. They should stop stonewalling public requests for information. And what's up with these hurried "public" input sessions? I can go on but I know the County admin. doesn't give a hoot and wants people to go away so they can keep on doing their shady deals.

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Monday, December 10, 2007 by Laura Hogan

The best way to insure security for our election vote counting system is to have complete transparency of the system so the the political parties who have statutory responsibility for oversight have the information necessary to do their jobs. As long as any vote counting happens in a black box there will never be complete confidence in our system.

Monday, December 10, 2007 by Victoria Khalidi

I am very concerned about the unwillingness of Pima County officials to release voting records to the public and the Pima County Democratic Party. What are they hiding? Did the county supervisor and his staff tamper with the election? Did he steal other elections? Will he steal future elections? That is what this action leads Pima County citizens to believe.

How are we supposed to trust the outcomes of our elections? Our democracy requires transparent elections. That is what distinguishes our nation, our democracy, from rigged "democratic" elections that take places in other countries around the world.

Citizens of the United States demand free, fair and transparent elections. Release the voting records and restore faith in the system. Expanding the oversight committee is not a satisfactory solution.

Stop the attack on democracy and the democratic process. Release the RTA and other election records to the public.

Monday, December 10, 2007 by Victoria Khalidi

please do whatever you can to preserve Tumamoc Hill.

Monday, December 10, 2007 by Stephen J. McClure

(a) Get rid of the discredited Diebold system. In no place in the country has the Diebold system been found to be secure enough to be entrusted with our elections. Whenever there is a serious investigation of the Diebold efforts, the Diebold system is admitted to be full of holes, particularly being based on Microsoft Access -- which even if changed will always be the core basis for any system -- Diebold has simply not started from scratch.

(b) In any RFP setting forth requirements for the next system, demand that the vote-counting portion of the software, the actual software itself, be "open source" -- i.e., not a trade secret and not sealed off from review. The security protocols to prevent hacking, etc., can be kept non-public [i.e., so that only the government contracting body can review it], but the counting software has just got to be publicly reviewable so that everyone knows that the code counts right.

(c) In any RFP setting forth requirements for the next system, demand that the terminal produce a permanent paper ballot -- which can then be (a) verified by the voter, and (b) becomes the official ballot -- which is then scanned by the optical character reader at the polling place. The official ballot remains the piece of paper, which is counted by the scanner, but available for recount, for spot audits, for random sampling, etc. [Note: What this means is that the terminal used by the voter can be touch screen with all the language and no over/under voting advantages of instant interaction that touch screens have -- but what is produced by the voting terminal is NOT AN ELECTRONIC RECORD, but rather a paper ballot which is then inspected by the voter, scanned by another OCR machine and then kept as the official ballot to be counted.]

(d) Turn this whole job over to the County Recorder! The County Recorder is a public official SUBJECT TO THE VOTERS FOR RE-ELECTION, able to be defeated if he or she screws up, etc, in ways that bureaucrats (such as a civil servant head of elections) is not. I am not against bureaucrats -- my father was one and for a brief while I was one - - and I have lots of respect for bureaucrats. Nonetheless, bureaucrats do not look on their primary bosses as the electorate -- only elected officials have that automatic assumption - the system rewards bureaucrats whose primary loyalty is within and to the bureaucratic system. Turning vote counting over to the Recorder would mean that the Recorder's most public job would be vote counting integrity -- setting up programs and systems to do it right -- and if he or she doesn't do so, then there is always the ability to be replaced by the voters. {Note: This will cost money and maybe the "profit" from recording will have to be used to cover election results -- but that is worth it, period. And the Recorder will have to contract with the City to run City Elections, but so be it.]

(e) It is not about people as such. It is about systems. Systems that have transparency. That are open to scrutiny by all. That have been tested and improved over time. Systems, systems, systems. Any time the answer to a challenge to the system's integrity is: trust our good employees, there is something wrong with the system. If the system is not good enough, then the reputations of the people involved are almost necessarily (and probably unfairly) besmirched.

Monday, December 10, 2007 by Patricia Bergen

PLEASE MAKE SURE THAT THERE IS PUBLIC OVERSIGHT ON ELECTION RETURNS! We desperately need a clear window into government operations, especially when there have been so many problems in the recent years. One or two hand-picked government employees is NOT the answer.

Monday, December 10, 2007 by Linda Zello

We need to take steps to protect the integrity of voting. Having 4 people report to one person who oversees the entire process leaves room for corruption

Monday, December 10, 2007 by Marla & Dennis Daugherty

Dear Supervisors,

My husband and I are unable to attend public hearings this week, but want you to know that changes proposed don't provide the assurance we need that Pima County elections are both transparent and secure.

There is much information in Mr. Huckleberry's Report and some is light years beyond my understanding, but the few proposed changes don't go far enough.

I am active in Get Out The Vote activities in Green Valley. This mostly retired community DOES vote. This community is expanding rapidly and we need to convince younger people that our country depends on an active citizenry... we 'd like them to register, we'd like them to vote!

Unfortunately, I'm often told things like "well, there is no guarantee our vote would count anyway".

That may be the case in Florida or Ohio.... but it should not be the case here in Pima County!

Thank you for taking on this important issue and please consider the importance of public oversight.

Sincerely,  
Marla Daugherty  
822 E Vault Mine Ct  
Green Valley, AZ 85614  
520 648-0890

Monday, December 10, 2007 by Richard L. Vail Sr

In my humble opinion Pima County would be doing the voters a disservice to replace their voting machines with anything that does not have a paper trail. Without a paper trail the voting is too easily messed with. It is not feasible to depend on placing more "watchers" at a voting place just to try to ensure the integrity of the vote. Electronic machines without a "detail strip" or paper trail are useless in any endeavor, but in something as precious as some ones vote it would be criminal. As some one who has worked on computers and electronics in the past I know there too many things that can go wrong, and not all of them are from "hackers", although that is a definite possibility. Thanks for the opportunity to express my thought on this very important subject.

Monday, December 10, 2007 by Mark Ralles

The Pima County Government should be the repository for all election materials. Observers should be permitted to review, as long as no results are copied and taken out of the possession of the county elections personnel. Early duplication of records is a surefire way to undermine the integrity and confidence in the election system.

Monday, December 10, 2007 by Laura Steckman

It is not enough to add another person to run the vote counting software as Chuck Huckleberry suggests. Only public oversight of the casting and counting of votes can protect the public from tampering.

Monday, December 10, 2007 by Madan Singh

All electronic voting should have a paper print out which the voter can see at the end of his/her vote to ensure that the votes are correct. Besides these can be checked at a later date if necessary.

Thanks.

Monday, December 10, 2007 by Mickey Duniho

The idea of sorting early ballots by precinct came up at today's public hearing. Since I don't see this idea posted yet, I will suggest that you hold all early ballots, either in their envelopes or out of envelopes, until the weekend before Election Day. Acquire sufficient numbers of scanners to be able to scan all early ballots on Election Day. Sort all early ballots into precincts before scanning and scan them in precinct batches so that the same precincts can be hand counted as for the precinct-cast ballots. In this way you do not need the summary reports printed before and after a batch, and you eliminate the possibility of anyone getting partial results a week before the election.

Tuesday, December 11, 2007 by Donna Udell

Public oversight is valuable in a country in which we CLAIM to have clean elections. Steps to ensure clean elections are needed. One person or even four people could be persuaded differently than might be in the interest of the public. Public oversight is imperative in ensuring clean elections.

Tuesday, December 11, 2007 by andrew weede

Only public oversight of the casting and counting of votes can provide assurance that an election has not been tampered with.

Replacing the County's current "one guy" system with a "two guy" or even a "four guy" system is no substitute for public oversight.

Tuesday, December 11, 2007 by Barbara Aguirre

No person or groups of persons are a substitute for public oversight.

Wednesday, December 12, 2007 by Carolyn Classen

I observed part of the Pima County Democratic Party trial against Pima County. As an American citizen born in this country, my belief in the integrity of casting a ballot that accurately reflects my vote/choices is very important to me. Election security and oversight by all political parties are integral to the process.

Thursday, December 13, 2007 by Anonymous

Unfortunately, voting security has become an issue in the United States. It is unbelievable that a country which values democracy, and is supposed to set an example for others, cannot control its own elections. The best proof of an accurate vote is a paper trail, for the voter, and the vote counters. Humans can make mistakes, and also become corrupted, so we need something that is paper, and cannot be "erased"

Bette Oberto

Thursday, December 13, 2007 by Pat Rigg

In the last two months, I have knocked on about 300 doors in my precinct, frequently meeting newcomers to my neighborhood, people I urge to reregister with their new addresses. I do this because I think it's vital that every citizen vote. But if our votes are ignored or altered, as they easily can be by the Diebold touch-screen machines and by manipulation by Brad Nelson and crew, it's all worthless. We need processes that make it impossible for anyone of any party to alter our votes.

Thursday, December 13, 2007 by Mary N. Dryden

I strongly support public oversight on election security. All political parties plus knowledgeable computer security experts should review election results as it is so easy to hack into computer systems. We need assurance that elections are valid and reflect correctly how voters voted. Again, I urge you to expand the oversight group so we can feel assured that our votes are accurately counted. Thanks

Thursday, December 13, 2007 by David Hosea

Election security is important, but so is transparency and oversight. It seemed odd to me that the county would prevent the Demo. party from performing its legal role of keeping the elections department honest; particularly when they have done such a good job of isolating their machines from outside intrusion. It was demonstrated that the programing was already out in the public. So nothing new would be revealed if they were to release the elections results.

Thursday, December 13, 2007 by Carlos Romero

Pima County needs secure and transparent elections. The recent fiasco and lawsuit over the RTA vote in 2006 has brought to light the fact that one person cannot oversee the elections for Pima County. This is not democratic, it is an abuse of power and needs to be corrected as soon as possible before the next election. Chuck Huckelberry's proposal to change the system from one guy to two guys is simply ridiculous and a slap to the face of all Pima County voters. This proposal would do nothing to ensure security and transparency nor prevent tampering with elections, as this team would still report to Huckelberry. We need paper ballots or electronic scanning machines with a paper trail to allow the public oversight of all elections. Then when the votes are counted we need public volunteers who do not work for Pima County helping to count the votes. Until then one can never know if our elections are really fair, true, and just. Thank you

Friday, December 14, 2007 by Norman Schwartz

This is in regard to improving election integrity in Pima County. I support fullest public oversight.

Currently, one person basically runs the GEMS vote counting software. This is an open invitation for vote tampering. County Administrator Chuck Huckelberry's report proposes replacing this one person with two people in the Elections Division and then, for certain global changes, with two people in the Information Technology Department. Such changes would do nothing to protect the public from tampering with elections - particularly as all four ultimately report to one person (the County Administrator). Only public oversight of the casting and counting of votes can provide assurance that an election has not been tampered with.

Friday, December 14, 2007 by Lisa Markkula, for Pima Co. Democratic Party

Pima County has opened this public comment period during the trial of the Democratic Party's lawsuit to gain access to electronic records necessary to ensure an accurate vote count. The Pima County Democratic Party is on record in numerous places with recommendations for increasing election security. Nonetheless, we are filing this response to the County's formal solicitation.

Pima County should solicit input from political parties on an ongoing basis as to the conduct of elections. The Democratic Party in Pima County has been working collaboratively with the County on security improvements since 2003. We are pleased that the County has adopted many of our recommendations, particularly ones relating to physical security. A number of these are mentioned in County Administrator Huckelberry's report.

We agree with many of the recommendations put forward by Dr. Tom Ryan and Mickey Duniho, who testified as our experts at trial. We do not believe that the County should scrap its Diebold equipment at this time - with the exception of the TSx touch-screen voting machines, which should not be used at all. Other vendors' equipment does not

appear to be substantially better than Diebold's. There is little reason to switch until other equipment is significantly better than what the County has now. Rather than expending the legal resources it has been doing in keeping electronic voting records secret from the public; Pima County should investigate pursuing litigation against Diebold for selling it the flawed equipment it has.

Deciding to purchase a new building may be premature at this time. Physical security at the existing facility has greatly improved since the Democratic Party's initial recommendations were made.

Bringing another computer into the counting area would seem to multiply, not reduce, security risks inherent in computers. This County suggestion deserves careful consideration before adoption and should perhaps be rejected.

An idea has recently been brought up among Democratic Party election volunteers and others that seems promising: purchasing equipment that can take a snapshot of ballots as they are scanned to be counted and create a .pdf or other image format file of the actual ballot. This would be a public record of votes cast in an election, available on the Internet with other material the County is proposing to put on its website.

Mail in votes need to be counted by precinct.

Random audits need to be of sufficient size to allow an appropriate confidence interval.

Although the Democratic Party has focused on systems rather than individuals, personnel issues in the Division of Elections remain an ongoing cause for concern.

Friday, December 14, 2007 by Shirley G. Muney

The only way to assure fair, honest, transparent & RECOUNTABLE votes is via a paper ballot. Sure, computers are faster (when they are working properly and poll workers know how to use them), but it has been proved over & over again that computers can be hacked. Persons seeking political or even nonpartisan advantage can distort the vote totals. Voting by citizens is the bedrock upon which our democracy is based, and we want no doubt cast upon the results of ANY election.

Thursday, December 20, 2007 by Tawnie Knight

We need to do away with Electronic voting in Pima County as there is no secure way of controlling it . An article on CNN today just puts an even bigger spotlight on it. [http://money.cnn.com/galleries/2007/fortune/0712/gallery.tech\\_flops.fortune/2.html](http://money.cnn.com/galleries/2007/fortune/0712/gallery.tech_flops.fortune/2.html)

Diebold tightens security after it is revealed that a simple virus can hack its electronic voting machines. Months later a hacker uses a picture of a key from the company website to make a real key that can open the company's machines.

That should be a big red flag in the face of Pima County. As a computer professional I can state beyond a shadow of a doubt how easy it is to access these machines. You can get documentation online just google it. I have been voting absentee because I will not trust electronic voting.

Sunday, December 23, 2007 by Maria Borbon

It is imperative that all future elections proceed without diebold in order to restore integrity to the election process. It is clear that the movement to marginalize and discredit the votes of poor and persons of ethnic backgrounds is not going away anytime soon because it has not been a priority of the US Dept. of Justice.

Sunday, January 13, 2008 by Dale Roose

Simplify. Use disability-accessible touch screen/voice equipment only as a tool for marking paper ballots. This can make ranked voting possible and eliminate errors such as multiple selections. Voters (or helpers in the case of the blind) can verify that their ballots are correctly marked before turning them in.

Don't count the votes while the polling places are open; this isn't a horse race. Instead, put the ballots in a locked ballot box then count them at the polling places under the supervision of party representatives immediately after the polling is closed.

The system to count the votes could consist of a simple ballot reader that lacks the intelligence to be hacked. For the computer that actually does the counting, use off the shelf hardware. Take the Linux open-source operating system and remove absolutely everything that isn't needed for the simple task of counting, recording, and reporting vote totals. Add the absolute minimum amount of software necessary to do the job. As an option, use a simple processor board (no interrupt controllers, not DMA, no graphics interface cards, no Wi-fi, etc.) with open source software written in assembly language. The process of counting votes isn't so complex that it needs a complex operating system that isn't intended for mission critical applications. Put the computer in a locked case with tamper proof seals and use only the minimum number of input and output ports absolutely necessary to do the job.

If the results are disputed, perform a manual recount of the paper ballots. Having been marked by a machine, they will be marked clearly and the results will not be disputed because of hanging chads, etc. This will sharply reduce any motivation to hack the counting equipment or corrupt the counting process.

After the ballots are counted, they must be returned to the ballot boxes. The ballot boxes must be locked and must have tamper proof seals placed not only by elections officials but also by representatives of all parties that can provide representatives whether or not they have a candidate in the election.

The results from each precinct can be reported individually to a Web server. Another separate Web server with a server-side script can read the results from each precinct and report them on a publicly available Web page. Election officials and party representatives at each polling place can verify the correct totals for their individual precincts on the Web page and anybody can add the precinct totals to verify the election results. By using separate servers for collecting data from the precincts and for reporting it to the public, overloading of the public server will not crash the counting operation.

Mail-in ballots would be counted at the same time in a central location with a parallel process.

The Secretary of State and possibly others will resist anything that diminishes their personal power and control, but their jobs are to facilitate the will of the people, not

to rule over the people.

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Sunday, January 20, 2008 by shelf corp

Appreciate the update.

<http://www.shelf-corp.com>

## Attachment 2

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PUBLIC HEARING  
PIMA COUNTY ELECTION SECURITY PLAN  
FRIDAY, DECEMBER 7, 2007  
ORO VALLEY PUBLIC LIBRARY  
2:00 p.m. to 4:00 p.m.

Mr. Brad Nelson, Elections Director

1 MR. NELSON: All right. I was going to say  
2 ladies and gentlemen, but I'll just say, my name is Brad  
3 Nelson. I'm the elections director for Pima County, and  
4 I thank you for coming to the public hearing of  
5 December 7, 2007, at the Oro Valley Library. The time  
6 of the public meeting is here.

7 You are invited to speak on the plan. We are  
8 here to facilitate you in any way, shape or form  
9 necessary.

10 As you may notice, in the front of the room there  
11 is a court reporter who is taking the information down  
12 that the public may provide input on. That information  
13 will be provided to the County Board of Supervisors.

14 The election security plan is still in its  
15 drafting stages, and mainly the purpose of this meeting  
16 is to hear what the public has to say about the plan,  
17 what they like, don't like, and perhaps have not thought  
18 of, and for the members of the public to give input.

19 We have Isabel Araiza here, she is a member of my  
20 staff, and she's the lady that signed you in to the  
21 room. If there's an individual within the room who's  
22 able to communicate better in Spanish, she is very  
23 fluent in Spanish, and she will assist you in that, as  
24 well.

25 Do we have anybody who chooses to speak at this

1 particular point in time? No? All right.

2 As you review the plan, if you see the need to  
3 speak or ask questions, we'll do the best we can to  
4 answer, though we are here mainly as facilitators more  
5 than anything else. Thank you, and you're welcome to be  
6 here.

7 MR. BLOCK: If we read and understand pages two  
8 through 14, with one being the cover page --

9 MR. NELSON: Okay. I'm following.

10 MR. BLOCK: -- that's pretty much what your  
11 recommendations are for this issue that you're dealing  
12 with?

13 MR. NELSON: I would say that those pages, plus,  
14 as you start on --

15 MR. BLOCK: And I'm Ken Block.

16 MR. NELSON: -- on attachment two, the security  
17 plan, that that is the meat of the documentation that you  
18 hold in your hand.

19 MR. BLOCK: Are you going to be speaking on these  
20 issues or are you just looking for public comment?

21 MR. NELSON: At today's meeting we're looking for  
22 public comment. If you have questions about the document,  
23 I'll attempt to answer those questions, and if there's  
24 terminology in the report that you are unfamiliar with, I  
25 will, as much as I can, provide assistance with defining

1 terms, and I'm glad to assist in that.

2 MR. BLOCK: But you're not presenting this plan?

3 MR. NELSON: No, I'm not.

4 MR. BLOCK: Thank you.

5 MR. EVANS: Thank you.

6 MR. NELSON: Thank you.

7 MR. EVANS: This will take a while to digest.

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(Meeting adjourned at 4:00 p.m..)

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PUBLIC HEARING  
PIMA COUNTY ELECTION SECURITY PLAN  
MONDAY, DECEMBER 10, 2007  
JLK/BEAR CANYON PUBLIC LIBRARY  
2:00 p.m. to 4:00 p.m.

Mr. Brad Nelson, Elections Director

1 MR. NELSON: My name is Brad Nelson. I'm the  
2 elections director for Pima County. This is the second  
3 of four meetings that we are going to be holding. We  
4 had one about this same time in the afternoon this past  
5 Friday at the Oro Valley Public Library. I believe we  
6 are having one, which will be at the Public Works  
7 building, tomorrow, and we're going to have one out in  
8 the Green Valley area, as well. We will complete this  
9 coming December 14th.

10 People are also eligible, too, if they have  
11 on-line access, to provide their comments on line. And  
12 certainly, even after you leave here, if you go home and  
13 decide you wanted to submit written comments, perhaps  
14 just with pencil and paper, what have you, you'll need  
15 to get those in by December 14th, by five p.m., and you  
16 can mail those to the address that you see. I believe  
17 it's the 130 West Congress address.

18 If you're a little chilly, I'm sorry. I've  
19 adjusted the thermostat the best that I can, so what we  
20 have is what we have.

21 FEMALE: Would you please get us the address?

22 MR. NELSON: Absolutely. Let me get my reference  
23 material, as well.

24 For those of you who might want to suggest  
25 written comments after this meeting is over with, please

1 send your written comments, suggestions, by December  
2 14th, to the Pima County Division of Elections -- and  
3 I'll repeat all this information -- 3434 East 22nd  
4 Street, Tucson, Arizona, 85713. And I'll repeat that.  
5 Please send your written comments and suggestions, by  
6 December 14th, to Pima County Division of Elections,  
7 3434 East 22nd Street, Tucson, Arizona, 85713.

8 As I mentioned, we had a present- -- we had a  
9 meeting just like this this last Friday in Oro Valley.  
10 I think we've probably beat the attendance by a multiple  
11 of five right now, to tell the truth. There were two  
12 gentlemen that showed up at that meeting. They grabbed  
13 the reports that you may now have in your hands, were  
14 looking through it, and about 5 to 10 minutes after they  
15 perused through the report, one of the gentleman asked  
16 if I was going to do a presentation, and the answer is,  
17 no, I'm not going to go through this page by page.

18 But, certainly, as you perhaps have had the  
19 opportunity to look at it on line or elsewhere, if you  
20 have questions about it, I'll attempt to answer those  
21 questions, and if there's terminology in the report that  
22 you are unfamiliar with, I'll try and define some of  
23 those terms.

24 All the information that we receive at these  
25 meetings, and we do have a court reporter here taking

1 the information down that you may wish to give, will be  
2 provided to the County Board of Supervisors for their  
3 review and deliberation in coming up with a security  
4 plan for Pima County.

5 Can everybody hear me? I'm sorry, there is no  
6 amplification, so hopefully everyone can hear me all  
7 right.

8 This meeting will go on until 4:00 this  
9 afternoon. So if somebody's not able to make it here at  
10 this particular point in time, we will be here until  
11 4:00. So, if you happen to go home, and you talk to  
12 your neighbor, and your neighbor feels strongly about  
13 it, they're welcome to come here until four, as well.

14 The other meetings are, while I'm mentioning it,  
15 Tuesday at Pima County Public Works building, address is  
16 201 North Stone. It's in the basement conference room,  
17 letter C, as in court, and Friday, December 14th, at the  
18 Joiner/Green Valley Library, 601 North La Canada in  
19 Green Valley.

20 As I mentioned, the plan is a document that is  
21 still alive. It is not in stone. It is here for you to  
22 make suggestions to, comments to, anything that is --  
23 that suits your fancy, which is going to be presented to  
24 the Board of Supervisors for their review and possible  
25 inclusion in the plan.

1 I've been the elections director for  
2 approximately six years. If you mention a particular  
3 subject or event that happened prior to my tenure here  
4 in Pima County, I'm probably going to have to depend on  
5 others within the environment to answer some of the  
6 questions. The lady who perhaps helped you sign in in  
7 the back of the room is Isabel Araiza. If there's an  
8 individual within the room who's able to communicate  
9 better in Spanish, she is very fluent in Spanish and  
10 will be able to help you with that, as well.

11 With that, are there any questions before you  
12 begin? You may have been asked, although you may have  
13 not had an opportunity to, to produce a speaker's card.  
14 You can come up and give me your two cents' worth. We  
15 have a podium here, but we're going to try to keep it as  
16 formal -- informal as we possibly can. You'll have five  
17 minutes in which to speak. We do have a timer up here,  
18 so I'll ring the chime when the five-minute time limit  
19 has come and gone.

20 Are there any questions about the format  
21 whatsoever?

22 Again, I thank you for being here. I have an  
23 initial J. Lisa Jones. Would you like to say something,  
24 ma'am?

25 MS. JONES: Yes. Would you like me to come

1           there?

2           MR. NELSON:   If you would, please.

3           MS. JONES:   Okay.   Uhm --

4           MR. NELSON:   I'll be wherever you want, whatever  
5 makes you most comfortable.

6           MS. JONES:   Okay.   My name is J. Lisa Jones,  
7 (redacted), Tucson, Arizona.   I've been a resident --  
8 I've lived in Tucson since January 1977.

9           Uhm -- elections are tremendously important to  
10 me.   I was taught by my mom and dad about voting when I  
11 was a little kid.   And even when we disagreed, my dad  
12 still made sure I got to the polls.

13           It matters.   It matters tremendously, and I  
14 really think the health of our democracy depends on  
15 transparent, accountable elections in which somehow  
16 votes can be counted in a way that are verifiable.

17           I'm sorry, I'm not contagious, but I'm having  
18 trouble with my throat.

19           I have not read this, so you may have already  
20 proposed some of this, so I may be repeating what's  
21 already in here.

22           But I think on some level there must be -- I mean  
23 the business of computers complicates things  
24 tremendously.   There're very few people who are  
25 marvelously educated about computer systems and how they

1 work and the languages and the whole thing. That's way  
2 beyond most of us. It certainly is beyond me. But --  
3 but I think somehow there must be a way for -- for  
4 verifiable elections, and that needs to be right from  
5 way inside of how the computers work, all the way to  
6 outside and how the material is transmitted, all the way  
7 from the voting booths in the city down to where you  
8 count them, to where they're put.

9 And at every step -- I mean, ideally, it would be  
10 ideal if we could just have a box, and everybody would  
11 be honest, and nothing bad would happen, and that would  
12 be a great thing. But I've gotten -- I'm old enough now  
13 that I realize life isn't like that all the time. It  
14 isn't even like that a lot of the time. And so there  
15 needs to be, again, some verifiable way.

16 And, of course, we live in a system in which  
17 there are parties. And, of course, the Republican and  
18 Democratic parties are the largest, but there's also the  
19 Green Party, Libertarians, and I'm sure there are other  
20 ones I don't even know about.

21 But on some very basic level there needs to be a  
22 way in which -- in which all parties can be satisfied  
23 with the transparent -- transparency and verifiability  
24 of the vote count itself, otherwise -- otherwise, the  
25 very basis, the credibility that we give, not only our

1 county, but our whole country, I mean, it is -- this  
2 shakes the -- the notion that there could be some kind  
3 of discrepancy in our vote count, and I think that began  
4 in the year 2000 with the national elections, but -- but  
5 that there could be some kind of discrepancy or some  
6 kind of stealing an election absolutely shakes the very  
7 heart of what this country's about, whoever wins.

8 And I -- I would like to urge you to be flexible  
9 about problem solving and to have ways in which parties  
10 can be represented -- representatives from parties can  
11 work with you on that verifiable accountability and have  
12 it all the way to the very center of these computer  
13 systems all the way out.

14 I guess that's really all I have to say, is  
15 that -- I don't have words to emphasize how important I  
16 believe this to be.

17 MR. NELSON: I thank you. May I ask you a  
18 question?

19 MS. JONES: Sure.

20 MR. NELSON: You've said that you -- you, as a  
21 citizen, want verifiable elections, and I think that's  
22 something that we all want, whether we're registered  
23 voters or not. And you also mentioned that -- that the  
24 2000 election, the famous Bush versus Gore election, I  
25 think since that time, perhaps others may have an

1 opinion otherwise, but since that time, it's not enough  
2 to prove that the winner won, it's also to prove that  
3 the loser lost, if you will.

4 Arizona has been moving forward. With the help  
5 of the political parties, with the help of the state  
6 legislature, there is becoming increasing verifiability.  
7 This is work in progress. Even when the legislature  
8 passed the law last time about hand counts of ballots  
9 and things of that nature, it's not a finished product.  
10 And I appreciate your comments today.

11 MS. JONES: Thank you very much.

12 MR. NELSON: I may have gotten these out of  
13 order, ladies and gentlemen, so forgive me if I mention  
14 somebody's name prior to the proper order. Thank you.

15 MS. ARAIZA: Um-hum.

16 MR. NELSON: David Schaeffer.

17 MR. SAFIER: Safier.

18 MR. NELSON: Thank you, sir. You have the floor.

19 MR. SAFIER: David Safier, (redacted).

20 There are a lot of issues to be dealt with in  
21 terms of election security, which I think is, as the  
22 woman before me said, vital, but the one I want to talk  
23 about is the audit after the election, which is, I  
24 think, one of the great advances the state has made to  
25 make elections verifiable. Because when you have a bag

1 of ballots that comes from a precinct that's sealed, and  
2 a Democrat, Republican or Libertarian or group of them,  
3 come together and come up with a count, if that count  
4 agrees with the computer count, then we know, at least  
5 in terms of random precincts, the election was done  
6 well, and we have a lot of reason to think that the  
7 election was probably fair, which is very good.

8 Two things. One is: It is, I believe, two  
9 percent of the precincts that are chosen at random to be  
10 audited. I think that number should be higher. And if  
11 I'm correct, I think that the county is thinking of  
12 making that number higher, which is terrific. I think  
13 that's a good idea.

14 The second point, though, is that the weakness in  
15 the system isn't the ballots that are cast at the  
16 polling places, it's the mail-in ballots, because the  
17 mail-in ballots, you don't have a distinct batch of  
18 ballots from a precinct that you can check against  
19 numbers. You have the entire field of mail-in ballots  
20 from which a few are pulled to check the accuracy. It's  
21 not a good verifiable system, as our precinct system is.

22 I don't know anything about the mechanism, but I  
23 strongly recommend that the mail-in ballots, before they  
24 are audited, are pulled apart, precinct by precinct, and  
25 I don't know from that point whether they should be

1       thrown in with the other precinct ballots or kept  
2       separately, but there should be a random audit of a  
3       distinct group of ballots, rather than a random audit  
4       taken at random from a whole mass of ballots. I think  
5       that would make the weak link far stronger.

6               MR. NELSON: Thank you. I do have a question.

7               Others have mentioned the same comment about --  
8       about sorting, I'll use that word, the early ballots to  
9       go from mail -- that have come in through the mail-in  
10       process.

11               Right now, for those of you in the audience, and  
12       perhaps you, sir, who may not be aware of it, right now,  
13       after the logic and accuracy test -- and that's a term  
14       some of you may be aware of and some of you not, but  
15       it's a test that's done in partisan elections by the  
16       secretary of state's office -- they come down with a  
17       predetermined -- meaning they've received some test  
18       ballots from Pima County, we have no idea how they voted  
19       those ballots, they go through the precinct count  
20       machines and the central count machines, and those are  
21       the machines that count early ballots, the ones that  
22       come through the mail, and they also test the touch  
23       screen machines, as well, to make sure the way they  
24       marked the ballots back at the secretary of state's  
25       office is how it's done in the three different areas of

1 tabulations.

2 The way that early ballots are designated for  
3 hand-count audit purposes, as the law exists right now,  
4 is they are not sorted as you suggest they need to be.  
5 They are not sorted by precinct. They are in batches  
6 that are of a quantity of cards, though, but they could  
7 be anywhere from precinct one to precinct 400 intermixed  
8 in there, and during a primary election, intermixed  
9 among parties, Republican ballots, Libertarian ballots  
10 and things of that nature.

11 The process right now under the law is that  
12 political parties, observers from the Republican Party  
13 and Democratic Party are in the counting room as those  
14 early ballots are being counted.

15 At their given signal, meaning the political  
16 parties' signal, they'll say, "We're ready to do an  
17 audit batch." We then cease counting, do a report that  
18 comes out face down on the printer, and that becomes the  
19 baseline for the -- for the batch of ballots we're about  
20 to run.

21 So, if we have a batch of, arbitrarily, 100  
22 ballots, we run those hundred ballots through the  
23 machine, run another report to make sure, indeed, we  
24 counted 100 pieces of paper.

25 There's nothing on there that talks about who's

1 winning or who's losing at that particular time. If  
2 we -- if the machine says they counted 100 ballots, we  
3 then produce another report.

4 And so we have that baseline, the ballots, and  
5 then that other report on top of it. That is sealed up.  
6 The party officials sign across it. And that's one of  
7 the batches that is subject for hand-count audit of the  
8 early ballot process now.

9 It is not a perfect system. One of the  
10 situations -- or, excuse me, one of the aspects of what  
11 you recommend, I'm not certain how we would handle. And  
12 here's my dilemma -- and I don't have an answer, and I'm  
13 not asking you for one either, but someone in the  
14 audience may have one -- and that is, as I mentioned, as  
15 we start counting those early ballots after the  
16 completion of the logic and accuracy test, in the  
17 scenario as I understand some people, and perhaps you,  
18 sir, are contemplating it, is that we would have the  
19 ballots that came from the polling place for Precinct  
20 52, and I'm just picking that one arbitrarily, and then  
21 to join with those ballots from the polling place we  
22 would have all the ballots from the early process  
23 through the mail from Precinct 52, as well. Is that --  
24 is that where you're saying?

25 MR. SAFIER: That's going farther than I'm

1 capable of doing with my layman's understanding. But if  
2 that would work so we would have the entire universe of  
3 Precinct 52 to count and then compare against, the  
4 addition of the polling place ballots plus the mail-in  
5 ballots from Precinct 52, so far as I know, that would  
6 be excellent, but I don't know.

7 MR. NELSON: I don't have an answer, and I'm not  
8 proposing that you have one either. I'm not sure how I  
9 would do the logistics. The way that I'm understanding  
10 that scenario, not necessarily that it's your  
11 suggestion, is that I'm not certain when I start  
12 counting early ballots in that process. In other words,  
13 do I have to wait until I get all the early ballots from  
14 Precinct 52 before I count them? Because some of those  
15 are still coming in post election day. In other words,  
16 they've made it to the recorder in time, but she has to  
17 go through her verification. And then if those are  
18 verified, there are -- they're forwarded to me for  
19 count.

20 So, I think it's an idea that's worthy. I'm just  
21 not sure of the time frames involved on how it's going  
22 to be done.

23 MR. SAFIER: I'm a retired teacher -- let me give  
24 a further comment -- and I would often be in the  
25 principal's office, not to be reprimanded, but to make

1 suggestions, things that I thought would be better, and  
2 it would be suggestions such as this. I wouldn't always  
3 know how to accomplish it. And some principals would  
4 say, "Dave, put yourself in my position, how are you  
5 possibly going to do that?" And my answer was, "My job  
6 is not to put myself in your position; my job is to make  
7 a suggestion to you, and you're in the position to know  
8 how to deal with it."

9 And I found -- let me finish -- that the better  
10 principals would scratch their heads, I would go away,  
11 and they would do their damndest to come up with a  
12 solution, if they felt the problem I was talking about  
13 was serious. The lesser principal would just say, "He  
14 doesn't know what the hell he's talking about," and send  
15 me on my way. So, that's my answer.

16 MR. NELSON: I appreciate it. Thank you.

17 MALE: Brad, do you take questions? Instead of a  
18 statement, will you take questions? Or should I write  
19 it down?

20 MR. NELSON: We're kind of free flow. If the  
21 audience doesn't mind, we'll take this gentleman's  
22 question, if you have one.

23 MALE: I'd like to know how the Pima County Board  
24 of Supervisors arrived at Diebold as a machine? Was it  
25 a bid contract or how? Could you tell us the history of

1           that?

2                   MR. NELSON:   You may not have been in the room,  
3           but I've only been with Pima County for approximately  
4           six years.   The purchase of the equipment that we have  
5           now, meaning the optical scan equipment, was purchased  
6           approximately 1997, before I started here.

7                   My understanding, so please believe me, I stand  
8           to be corrected here, is that a citizen group actually  
9           got together, and what the transition was was from punch  
10          cards to whatever the appropriate technology was, and I  
11          believe it was to go to optical scan.

12                   At that point in time, there were only about  
13          three vendors, and there still may be only about three  
14          vendors, in the optical scan market.   Diebold was known  
15          as Global.   It was a completely separate organization,  
16          not affiliated with Diebold at the time.   Diebold was  
17          one of the competitors, so to speak, for the -- for the  
18          new technology that Pima County was going to use.   There  
19          was another company, who has since changed names, as  
20          well, but I think at the time it was called BRC,  
21          Business Records Corporation, and there also was a  
22          company by the name of Sequoia Pacific.

23                   My understanding was, is that, at the time, BRC  
24          was purchasing yet another elections company called AIS,  
25          American Information Systems, out of Omaha, Nebraska,

1 and there were some questions about whether they would  
2 corner the market in optical scan technology if they had  
3 purchased that particular company.

4 So I believe, with that federal regulation  
5 hanging out there, that that's how Global actually got  
6 chosen.

7 Is there anybody else in the room that can --

8 MR. DUNIHO: I found an old article in the  
9 archives of the Daily Star that pointed out that in  
10 1997, F. Ann Rodriguez bought Diebold optical scan  
11 equipment for use with early voting. She did that on  
12 her own. I don't think any committee told her to do it.  
13 She just did it. And once she had done it, then the  
14 rest of the counties, the elections departments, sort of  
15 got forced into doing the same thing. I mean, they  
16 could have gone another direction, but they just sort of  
17 copied her action.

18 MR. NELSON: I'll defer to Mickey, because I  
19 certainly haven't looked at any of the paperwork  
20 pertaining to that transaction.

21 MALE: Thank you.

22 MR. NELSON: Paul Hilts, please.

23 MR. HILTS: Yes. Hello, my name is Paul Hilts.  
24 I reside at (redacted) in Tucson, 85712.

25 First I want to say thank you very much. I

1 appreciate all the changes that the county is attempting  
2 to make to keep up with security, and the ability to  
3 speak here and share this information with you folks.

4 I was one of the receivers of the electronic  
5 scanning machines in November 2006. I wrote up a brief  
6 report of that. And I also took part in the hand count,  
7 and I attended this recent set of trial courtroom dates.

8 So, first, I would like to talk about things that  
9 happened on November 6, last year, 2006. And that is,  
10 in receiving the machinery, I was one of two people,  
11 both --

12 MR. NELSON: May I interrupt? Were you a poll  
13 worker?

14 MR. HILTS: I was, I guess they call it in this  
15 document the board, the board of receivers, on Mission  
16 Avenue.

17 MR. NELSON: Okay. Got you. I believe I  
18 understand. Go ahead, please.

19 MR. HILTS: There were two of us. Unfortunately,  
20 we were waiting for a Republican that never came. So  
21 the first thing I would say is you need to require every  
22 party in an election to be there. If I said that the  
23 reception of machinery went well or poorly, they would  
24 never know; they had no opportunity to observe.

25 It's an important deal. Partly it's an important

1 deal because we were given logs to mark in the machinery  
2 as it came in. Several had broken seals. One, as I  
3 recall, had a card missing, its counting card, the most  
4 important piece, I would think, of the whole machine.

5 And what you need is to have policies and  
6 procedures, because, as I said to you folks, this  
7 machine had a broken seal, one had police tape, you  
8 know, "Do not cross this line," wrapped around in place  
9 of any seal of any kind.

10 MR. NELSON: Okay. All right.

11 MR. HILTS: You need policies and procedures.  
12 Nobody ever said what happened to those machines. I  
13 don't know. Were they discounted, hand counted  
14 automatically? I got no word.

15 The board, if we are approving the reception of  
16 these machines, needs to know what becomes of them.

17 The staff out there, I have to say, was supremely  
18 efficient, quick, you know, very, very fine folks. You  
19 know, no problem with that at all. It's just  
20 establishing policies and procedures, and one I know you  
21 need is to require every party to have a representative.

22 That's basically about 2006.

23 In the trial recently, I heard Mr. Straub say  
24 twice that it didn't matter what the -- what the Pima  
25 County Democrats wanted, because there was a hand count

1 already available, the audit. The problem with that  
2 statement, I never heard anybody challenge him on this,  
3 is that it isn't required by law. It's permitted by  
4 law. It is absolutely voluntary. Any county can opt  
5 out. And I believe about half of the state -- of the  
6 counties in the state did opt out, mostly on grounds of,  
7 you know, resources, didn't have either the people or  
8 the money to pay to get people to do that.

9 The problem is, if you don't get the oversight  
10 that we're asking for in the -- in the suit, and people  
11 all opt out of this hand-count audit, there's no check  
12 whatsoever on the election. And that's got to stop.  
13 Either make the hand count mandatory or arrive at some  
14 other absolutely mandatory check for the whole election  
15 at all times.

16 And thank you very much for all your time.

17 MR. NELSON: May I ask a question, because I  
18 still need clarification.

19 MR. HILTS: Sure.

20 MR. NELSON: When you were working at Mission  
21 Road, were you working as a political party observer?

22 MR. HILTS: I guess so. Here it says board.

23 MR. NELSON: Did you get any compensation for  
24 your service?

25 MR. HILTS: No.

1 MR. NELSON: Then you were a political party  
2 observer.

3 MR. HILTS: Okay.

4 MR. NELSON: And I'm interested in the topic or  
5 the comments that you made. I have not heard the police  
6 tape story before, so that was a first one for me.

7 Mr. Hilts does bring up an interesting point, and  
8 he talks about hand counts being voluntary, and I think  
9 I need to elaborate on that.

10 Sir, you may have a seat, if you like. It's up  
11 to you, sir.

12 Prior to the two thousand -- I should say almost  
13 as of the date of the 2006 primary election, the hand  
14 count law went into effect within the State of Arizona.

15 Let me stand so everybody else can see me.

16 The hand count law went into effect within the  
17 State of Arizona for partisan elections. What Mr. Hilts  
18 was referring to there is that if the political parties  
19 at -- and I'm going to pick on Mojave County, because  
20 that was where I used to work. If in Mojave County the  
21 Republican Party chair at the county level and the  
22 Democratic Party chair at the county level, or one or  
23 both of them, decided not to play, then a hand count was  
24 not performed in that county. So it was -- he says,  
25 certainly, resources would be needed to run a recount,

1 but if the political parties at the county level chose  
2 not to participate, for whatever reasons they may have,  
3 that's why a hand count was not performed in 2006.

4 A remedy, or at least an attempted remedy of that  
5 is now statute and, I think, will begin to take place in  
6 2008, and it is, in a nutshell -- some others in this  
7 audience may correct me on some of it or flesh it out a  
8 little bit more -- is that, again I'll use Mojave as an  
9 example -- and, by the way, they did do a hand count,  
10 but let's use Mojave County. The Democratic Party chair  
11 doesn't participate. It is my understanding, and others  
12 in the room may correct me, is that then people from the  
13 political party elsewhere in the state can then come and  
14 be, in a sense, the substitutes for the local county  
15 people to do the hand count.

16 So there is beginning to be a move that, in a  
17 really rural county, they may be all Republicans or all  
18 Democrats, and the other party doesn't want to play,  
19 they'll at least have the availability, under the new  
20 statute, in 2008, to bring hand count auditors of  
21 particular party affiliations in from elsewhere around  
22 the state in order to do the hand counts there, as well.

23 He is correct, in that I think Mojave did a hand  
24 count, we did a hand count, Maricopa did a hand count,  
25 and Yuma did a hand count. Was that it? Tom?

1 MR. RYAN: There's one other.

2 MR. NELSON: One other.

3 So, he's right, about a third of them did the  
4 hand counts, about two-thirds of them did not. They --  
5 they, for better or ill, had the availability of the  
6 statute to say, without that party participation, they  
7 didn't have to.

8 Now, hopefully this remedy will be such that we  
9 will have more hand counts out there this time around.

10 Yes?

11 MALE: The follow-up to that, if the parties have  
12 to bus in workers from, let's say, other counties,  
13 normal process is we have to submit our list in advance  
14 of election day. So how do we do that?

15 MR. NELSON: I think there is a remedy within the  
16 statute, but I have not read it, because I doubt whether  
17 I'm ever going to have that situation here. But I  
18 believe there is, if you will, a way for an emergency  
19 list to be done.

20 My understanding, I've looked a little bit at the  
21 law this morning, only because I'm getting ready for the  
22 presidential preference election here fairly soon, is  
23 that approximately a week before election day, the  
24 political parties in the county tell me who they have to  
25 be members of a hand count board. Twenty-four hours

1 after I receive that list, if it's short, they don't  
2 have enough people or they have zero people, then I  
3 notify the parties, and they then can go out and recruit  
4 from elsewhere. I think that's basically how it's done.

5 MR. RYAN: Just one more comment on that. Any  
6 party can appoint people from another party or no party.

7 MR. NELSON: That's a good point. In other  
8 words, a hand-count audit board is usually comprised of  
9 three people. They can't be all of the same political  
10 party. However, they could be potentially two  
11 Libertarians and one Democrat and things of that nature.  
12 So, so long as there's a mix.

13 And Democrats, let's -- I'm going to use that as  
14 an example, because it happened here, the Democratic  
15 Party chair can appoint Libertarians to be members of  
16 the audit boards, so that we do have that mix of people  
17 on the boards.

18 Yes?

19 FEMALE: You keep talking about how much it's  
20 going to cost to have these people come in and audit.  
21 Why not use your college students and your high school  
22 students? Give a class on it, on how to do it, make  
23 sure they're at least 17 years old, and go with that. I  
24 mean, involve your children in your own communities.  
25 Let the kids start feeling a part of politics, and

1 they'll get a lot more into it.

2 I mean, there's a lot of good ideas out there.  
3 And, remember, another couple, 10 years, you don't know,  
4 you could have somebody in the senate.

5 MR. NELSON: That's a good point, and the  
6 political parties will do that, because it's they who  
7 tell me who's going to be audit board members.

8 FEMALE: I still think you should go with your  
9 own students in the community.

10 MR. NELSON: And certainly if that's the way the  
11 political parties choose to do it, in other words, bring  
12 out civic organizations, or fraternities, sororities, if  
13 you will, that's certainly their option to do so. They  
14 need to be registered to vote, but other than that --

15 Any other questions before I ask for the next  
16 speaker?

17 FEMALE: I have a question about -- I haven't  
18 read this before, so I'm just new to it -- on page four,  
19 you have the second paragraph, "An agreement was reached  
20 with the official observers of the...", I'm just reading  
21 the second paragraph, "...with snapshot copies of the  
22 GEMS audit log...." My question is: What exactly do  
23 you mean by "snapshot copies"?

24 MR. NELSON: Tom, can you help me out there?

25 MR. RYAN: I'm not sure what that means either.

1 I suspect that --

2 MR. NELSON: My understanding -- and, as Lisa  
3 would say, she's not technologically savvy, and I will  
4 admit that I am not either -- in the process of the post  
5 election environment after the 2006 general election,  
6 and I think perhaps after the 2006 primary, as well, the  
7 political parties, not just the Democrats and not just  
8 the Republicans, came in and wanted to see various logs.  
9 There are security logs, Windows event logs, things of  
10 that nature, and those are what's produced.

11 I believe that's what they mean by the snapshots  
12 of the various information that was provided.

13 FEMALE: So, basically, my question is if the  
14 parties will be provided with copies, I mean, all the  
15 copies of the logs, or just, you know, randomly. That's  
16 what I understand by "snapshot". I don't know.

17 MALE: I guess I don't understand it either. So  
18 the snapshot copies are some sort of summary of the  
19 audit log or a samples of it or what?

20 FEMALE: Samples, yeah.

21 MR. NELSON: Yeah, it's basically my  
22 understanding -- maybe you can assist, Mickey.

23 MR. DUNIHO: I'm pretty sure that snapshot is  
24 merely referring to the state of the audit log at some  
25 point in time. So the audit log is a part of the

1 database that's used to count the election, and as  
2 things happen in GEMS, more things get added to the  
3 audit log. And so the snapshot before you start  
4 counting early ballots and the snapshot after you finish  
5 should be consistent. The things that were there before  
6 you started counting ballots shouldn't disappear from  
7 the audit log, and everything in-between should appear  
8 in the later audit log.

9 Of course, in the Diebold/GEMS system, because  
10 the audit log is part of the database and can be edited  
11 with a text editor, it's really not a very valuable  
12 tool. But, you know, as long as you're just looking for  
13 people goofing up, then it'll tell you. If you're  
14 looking for people committing crimes, probably not.

15 MR. POSTON: So you're saying a malicious person  
16 could take any text editor and change this audit log,  
17 anything they wanted, and no one would be able to tell?

18 MR. DUNIHO: That's right.

19 MR. POSTON: Is there something that defines when  
20 these things are edited?

21 MR. DUNIHO: Not necessarily.

22 (Proceeding interrupted by court reporter.)

23 MR. NELSON: I realize I let it go informal, but  
24 we do need to get the record straight to understand what  
25 your comments, concerns, suggestions, complaints and

1 things of that nature may be, so I'm going to go back to  
2 a more formal meeting at this point in time.

3 And I will -- Mr. Hilts, were you finished?

4 MR. HILTS: Yes, sir. I'd just point out, the  
5 part I was referring to is on page four, section two,  
6 number, it would be E, sub 2(E), "Agreement was reached  
7 with all party observers...the elections board that  
8 inspects the seals and validates status of  
9 equipment..., " that was us.

10 MR. NELSON: Okay.

11 MR. HILTS: We may have been observers or  
12 anything else, but here it refers to us as elections  
13 board. The only problem I have is that once the board  
14 has approved them, we never heard of things that  
15 happened had we not approved.

16 MR. NELSON: Lianda Ludwig, please. Thank you  
17 for being here.

18 MS. LUDWIG: Lianda Ludwig, (redacted).

19 I'm concerned that the two percent is much too  
20 low an amount to -- to be able to determine. A  
21 statistically significant number is five percent, from  
22 my memory in college.

23 I also believe that we must know that, with the  
24 early ballots, which precinct they're coming from so  
25 that we can absolutely be certain that there's nothing

1 that's being finagled there.

2 I have a concern about the party denominations  
3 that are being assigned, because, as everybody knows,  
4 you can pick whatever party you want, and you can change  
5 whatever party you want. And back, I guess it was in  
6 2004, when we had the problem in precinct 324 with the  
7 two poll workers who were dismissed for gross  
8 incompetence after being poll workers for something like  
9 20 years, and there was a whole method that they had  
10 used for apparently stuffing the ballot boxes.

11 I'm -- I would like to figure out if someone  
12 would be thinking about a way that the party  
13 denomination could, if we have some more sense that --  
14 if someone was in one party for this part of time and  
15 then changed all of a sudden and then gets to be  
16 assigned as a poll worker, that makes it look kind of  
17 suspicious to me. And that's a great concern.

18 Democracy begins with the integrity of our vote,  
19 and it's ended without it, because I don't think that in  
20 the last two elections, the last two president elections  
21 specifically, that there is any way that we can depend  
22 that our votes have counted the way that they were  
23 intended, and I would really like to see our county  
24 being the leader in the nation in showing the way that  
25 democracy can be brought back to the United States,

1           instead of accusing other countries of not counting  
2           their votes correctly. Thank you.

3           MR. NELSON: Thank you.

4           Next I have on the top is a Mr. Mark Poston,  
5           please.

6           MR. POSTON: Yes, sir. Hello, Mr. Nelson. I am  
7           not as well versed in the technical aspects of this  
8           question as some of the other people here are, quite  
9           clearly, but I applaud the change to improved technical  
10          and procedural security. Obviously, we needed it.

11          We ought to go beyond these recommendations. We  
12          ought to implement all sort of procedural and technical  
13          security measures so that no one can tamper with the  
14          ballots and they can't get away with it. But those  
15          aren't the only aspects to election security that we  
16          need to address.

17          We need to address personnel, specifically you,  
18          Mr. Nelson. I don't trust you, and my dealings with you  
19          have been such that I think of you as a dishonest man  
20          who I don't trust. And what I think is that neither you  
21          nor Mr. Crane nor any of the people directly involved in  
22          this fiasco ought to retain your jobs, nor should you  
23          have any position in elections supervising this sort of  
24          behavior. It's not the kind of thing we can afford to  
25          have people we don't trust running. And I don't trust

1 you, and a lot of other people around town feel the same  
2 way.

3 You're not going to smokescreen us by burying us  
4 in technical details and so on. I believe if we were  
5 voting on clay tablets with styluses, you would be out  
6 there forging clay tablets somehow to rig the election.

7 It's not the method we use to vote. It's about  
8 the people we use to supervise the process. I believe  
9 you failed. Whether we say you're corrupt or inept, we  
10 can play the game either way. Losing the records,  
11 that's inept, at the very least, but under the  
12 circumstances, when there's an investigation going on,  
13 that's extremely suspicious. And suspicion about the  
14 integrity of our voting system is something we can't  
15 afford.

16 We ought to fire whoever's involved in this. Mr.  
17 Huckelberry ought to go. You ought to go. Everybody  
18 involved ought to go and be fired. Everybody on the  
19 Board of Supervisors who appears to be covering this up  
20 and conspiring to hide from us the truth of what went on  
21 in this election ought to be thrown out of office, if  
22 that's possible at this point.

23 What else?

24 I can imagine that we could scrap the GEMS  
25 system, that there's probably some other computer

1 system. I've heard terrible things about Diebold. This  
2 gentleman knows a lot more about it than I do, and he  
3 can tell you all sorts of things that are wrong with  
4 this electronic voting system. And I've heard it  
5 before.

6 I don't know, what I think is that there are  
7 powerful people in this town, in this county, and they  
8 want to get their way, one way or another. And it was  
9 worth a lot of money to a lot of people to get the RTA  
10 election passed, and a lot of people have a financial  
11 interest in getting that passed. And money corrupts  
12 people.

13 And what I'd like to say is, before we get our  
14 elections system fixed, we shouldn't have a single bond  
15 election, any kind of taxpayer funding, taxpayer  
16 increases, no taxes, no regional government initiatives,  
17 nothing of that kind whatsoever should be on the ballot  
18 until we have fixed this problem and we're 100 percent  
19 sure that this kind of thing is not going to go on  
20 again.

21 I'd like to say another thing, Mr. Nelson, you  
22 have this attitude that it is not your responsibility to  
23 look out for electoral malfeasance. You may remember  
24 the situation with Mr. Hecker and Mr. Meyers, where they  
25 filed 20 ballot initiatives -- ballot initiative

1 arguments under other people's names, and that slipped  
2 by the front desk there at the Election Department. Do  
3 I believe it just slipped by because people weren't  
4 paying attention? No. Somebody had to be in connivance  
5 with Mr. Meyers and Mr. Hecker for that to happen. And  
6 you expect us to believe those were inadvertent errors?

7 It's interesting how the people at the Elections  
8 Department are always just making inadvertent errors.  
9 There's never any malice or evil or corruption behind  
10 it. You just make mistakes. You make too goddamned  
11 many mistakes, and we can't afford it now. I don't  
12 think we need a man like you who constantly is making  
13 inadvertent mistakes and losing records and having  
14 employees taking records home for incredible reasons.

15 What I think is we need a clean sweep of the top  
16 personnel in the Election Department, no matter what  
17 technical improvements we make, in order to be certain  
18 that we have security.

19 I guess that's it.

20 MR. NELSON: Thank you, sir.

21 Marjie Baker, please.

22 MS. BAKER: Well, that's a tough act to follow.

23 MR. NELSON: We're glad you're here.

24 MS. BAKER: I'm Marjie Baker, (redacted).

25 I worked as an observer for the Democratic Party

1 in 2006 at 5151 East Broadway, in the underground  
2 garage, which is a collection center for poll workers to  
3 bring in their reports. It's a very large site, a very  
4 large space, and I was the only observer there. It's  
5 impossible for me to know what was going on and to be  
6 able to watch everything that was going on.

7 That's just a little background.

8 I'm interested in more transparency of elections,  
9 which I think probably everybody here is. And I haven't  
10 had a chance to read this. I tried to print it, but my  
11 computer said that it couldn't, because it was 60 pages  
12 or something like that.

13 I think that with more transparency we'll have  
14 more confidence in the elections. And that should be --  
15 besides having reliable elections, one of our goals  
16 should be to have more confidence in the reliability of  
17 those elections.

18 I would like to see, and I don't know how much  
19 this has been dealt with in this report, more emphasis  
20 on reliable chain of custody of ballots, records, and  
21 machines.

22 MR. NELSON: May I interrupt you there for a  
23 moment?

24 MS. BAKER: Yes.

25 MR. NELSON: Do you have a specific area?

1 Elections, of course, is all over the map, but is there  
2 an area that perhaps you saw as an observer or elsewhere  
3 that --

4 MS. BAKER: Well, there -- there are three  
5 examples that I could mention. At the trial last week,  
6 it was mentioned that records were sent from the  
7 secretary of state's office to the Elections Department  
8 here in Pima County and that there was no record of who  
9 received these, this box or package, at the Elections  
10 Department, and that, I believe when you saw it, the box  
11 was opened, at the front desk.

12 So that's an example of where chain of custody  
13 really broke down. And I think that perhaps those  
14 records should have been hand carried from the secretary  
15 of state, if they were so important, to Pima County,  
16 perhaps.

17 MR. NELSON: To the --

18 MS. BAKER: In any case, there should, at all  
19 points, be people verifying, two people verifying chain  
20 of custody at all points.

21 There was -- there was testimony at the trial,  
22 not about our county, about -- but about, I believe it  
23 was Gila County having their ballot -- ballots printed  
24 up by an independent contractor. I think that's  
25 probably something that needs to be dealt with at the

1 state level, but it's an example of perhaps chain of  
2 custody of information that seems like a complete  
3 breakdown of security for ballots.

4 And then, when I was at -- do you know if 5151  
5 East Broadway will be used in the future as a collection  
6 place?

7 MR. NELSON: My understanding is it's presently  
8 under some type of construction, and we would probably  
9 be there, and any suggestions you have on that  
10 environment would be welcome.

11 MS. BAKER: Well, I don't know exactly what the  
12 procedures were, but when all the items were brought in  
13 and were checked in at this location, I saw two vehicles  
14 take them, take all the material, when it had been moved  
15 there, and taking it down to Mission Road.

16 I don't know if they were party observers in  
17 those two vehicles. There are -- there's a person from  
18 both parties bringing the items from the polls. I would  
19 like to see persons from two parties taking any batch of  
20 materials to the central counting center.

21 Thank you.

22 MR. NELSON: Thank you. That is all I have on  
23 the speaker cards. Yes, sir, please.

24 MR. HEALD: Arlie Heald. May I speak?

25 MR. NELSON: I'm sorry?

1 MR. HEALD: May I speak?

2 MR. NELSON: Certainly. Identify yourself and  
3 your address, please.

4 MR. HEALD: My name is Arlie Heald, (redacted),  
5 85749.

6 I read here where the primary function of this  
7 meeting today is supposed to be election security, and  
8 as far as I'm concerned, Diebold voting machines,  
9 electronic voting machines, are the worst for our most  
10 important aspect, the most important, detriment to  
11 electronic -- to our voting today.

12 I follow the Washington Post, particularly  
13 columnist Peter Gorski. A while back, Gorski wrote how  
14 Diebold machines were used in Florida. For example,  
15 after the election in 2004, Ian Sancho, the election  
16 supervisor in Leon County down there, hired experts to  
17 fully examine the Diebold machines. Such specialists  
18 proved how the Diebold machines were used to alter votes  
19 in favor of Republicans.

20 Then there was the University of California  
21 computer scientist David Wagner who said, the Diebold  
22 machines, using optical scanner to count votes, tests  
23 proved that election workers can alter the vote tallies  
24 by manipulating the remote -- the removable memory cards  
25 in the Diebold machines, and do so without detection.

1 Without detection.

2 Moreover, using experts, California election  
3 officials found an even wider variety of flaws than what  
4 Sancho -- than what Sancho's experts found.

5 Now, earlier this year, a U.S. House committee  
6 gave approval to pending election reform bill HR 811.  
7 That was early in May of this year, known as the Voter  
8 Confidence and Increased Accessibility Act of 2007, and  
9 sent it to the full house, and the bill appeared to  
10 disallow the infamous Diebold machines in all future  
11 elections.

12 As we might expect, Arizona Secretary of State  
13 Jan Brewer strongly opposes HR 811, as reported in her  
14 guest column in the Arizona Star on May 22nd. Typical  
15 of GOP strategies, Brewer uses the excuse that HR 811  
16 will severely diminish the ability for visually impaired  
17 and other disabled voters to participate in the election  
18 process. And she says HR 811 would require Arizona to  
19 trash at least \$15 million of brand-new electronic  
20 voting machines for disabled voters.

21 Of course, her real reason was to continue what  
22 she -- what should be determined as illegal. Oh, yes,  
23 Brewer, who demanded the purchase of the Diebold voting  
24 machines in Arizona, did so.

25 Now comes Ted Downing, former Arizona State

1 representative, with his guest column on May 29th in the  
2 Arizona Star. Downing charges that Brewer actually  
3 endangers the privacy of disabled folks. Continuing,  
4 Downing contends Brewer is required to send technical  
5 staff to run a test election before election day.

6 Shadowing her team in advance of the 2006 election, the  
7 Democratic Party's technical reviewers found serious  
8 security problems, including a vote tabulating computer  
9 in Santa Cruz County connected to the Internet. And in  
10 Maricopa County, the committee found unauthorized  
11 software on the main tabulating computer that, in the  
12 wrong hands, permits vote totals to be changed without  
13 leaving fingerprints.

14 Downing further observes it is illegal, under  
15 state and federal law, to have this software on, or  
16 connected to, a voting system. He concludes the state  
17 election people missed it.

18 I say: Yea, Downing.

19 As far as I'm concerned, folks, there's been a  
20 lot of good discussions here this afternoon relative to  
21 election security, but I tell you, in my opinion, when  
22 the Republicans introduced electronic voting machines in  
23 year 2000, when George Bush was elected president, it --  
24 it resulted in removing our constitutional right to  
25 vote, our constitutional right that the vote of each and

1 every American would be tabulated and would be tabulated  
2 in the manner in which each American votes. It's --  
3 it's a farce. It reduces our country -- our great  
4 country to nothing more than Iraq and a few other places  
5 that Mr. Bush is trying to change.

6 I have a lot of other things here, but really  
7 that's the primary purpose of my discussion.

8 MR. NELSON: Sir, I thank you for your comments.  
9 I'm somewhat familiar with some of the Washington Post  
10 articles and Ms. Brewer's and Mr. Downing's editorial  
11 comments, as well.

12 I'm going to ask you a question, and if you don't  
13 know the answer or don't have an opinion, that's no  
14 reflection on you whatsoever, but there's been many  
15 people who look down with some distaste about Diebold.  
16 Do you know of a system that you would suggest in its  
17 place? If you don't, that's fine.

18 MR. HEALD: No, I don't. I would like to ask of  
19 you, and of anybody else in the room who might know the  
20 answer --

21 FEMALE: Paper.

22 MR. HEALD: -- the status of HR 811. Is it dead?  
23 Is it totally dead now? Anybody know?

24 MR. RYAN: For this session, I believe. I  
25 believe it's dead for this session.

1           MR. HEALD: Dead for the session. And why is  
2 that?

3           MR. RYAN: When you can't get it to the floor,  
4 you can't get it to the floor.

5           MR. HEALD: When we have Democrats running it,  
6 why doesn't it get to the floor? Very disappointing.

7           MR. NELSON: Tom.

8           MR. RYAN: Tom Ryan, (redacted), 8571. Just a  
9 couple comments.

10           Regarding the previous speaker, the GEMS system  
11 is a problem, I think everybody agrees to that now. And  
12 the problem is that we know more about the GEMS system  
13 and so we can criticize it heavily. But all indications  
14 are that the other systems are equally as bad, at least  
15 to the extent that we know about them. As everyone  
16 knows, these systems are proprietary, and we really  
17 can't get a good look at the insides of the system.

18           I just want to mention a couple of things that  
19 have to do with your security plan. The first one isn't  
20 actually mentioned in it, but one of the boards that is  
21 used during the election is called the audit board, but  
22 we're not talking about a hand audit here. There was  
23 another board called the audit board that is responsible  
24 for checking paper tapes against the electronic totals,  
25 and I -- I've observed a number of elections and been

1 involved in observing. And a couple of times, in fact  
2 every time I've asked, I've been told I could not  
3 observe that board.

4 And so I just want to ask you, is that -- is  
5 there any particular reason for that? I was told the  
6 room would be too small or there's not enough space.  
7 And so I just want to make sure that gets corrected,  
8 because the observers from the party should be observing  
9 that board.

10 MR. NELSON: I'm glad you brought this to my  
11 attention. I'm not familiar with your request, but I  
12 understand, and I know the lady and gentleman are not in  
13 the room, but it's my understanding that Mo and Mr.  
14 Brakey were allowed to observe for a brief period of  
15 time.

16 MR. RYAN: They were, okay.

17 MR. NELSON: I will look into it.

18 MR. RYAN: Secondly, in the security plan is a  
19 comment about changing the passwords. And the way  
20 you're doing the passwords, I have to say, although it's  
21 an improvement, it's only a marginal improvement to have  
22 split passwords. The GEMS system is capable of handling  
23 multiple users with multiple passwords, at least it  
24 appears to be that way. So we should know, looking at  
25 the GEMS audit log and database, who is using that

1 system at any time. Because a split password allows one  
2 person to wander away, and the system is still being  
3 used by an unknown user.

4 MR. NELSON: So, if you and I were qualified  
5 operators, you would sign in under Tom, and I would sign  
6 in under Brad, and then we would be able to retrace what  
7 you did and what I did by those user names?

8 MR. RYAN: Yes, correct.

9 MR. NELSON: Is that where we're at?

10 MR. RYAN: Correct.

11 And now I want to talk about the audit that Dave  
12 talked about a little while ago. I just want to make  
13 sure you understand. You responded by talking about the  
14 batch auditing technique. And I just want to make sure  
15 you understand that that is not a thorough audit, that  
16 the reason we want to split the ballots and sort them by  
17 precinct is that, when you count a precinct, you're  
18 counting a number that appears in the canvass. When you  
19 count a batch, you are not. The batches can be  
20 completely arbitrary in the system, and there's no  
21 guarantee that that number -- well, that number just  
22 does not appear later on, so it's not a -- it's not an  
23 end-to-end audit like the precinct cast ballots are.

24 Secondly, I think it was Lianda that commented  
25 that we needed a larger size sample.

1 MR. NELSON: Samples.

2 MR. RYAN: It turns out that the mathematics of  
3 it, it is not a fixed percentage, the mathematics say  
4 that if you want to validate the outcome of an election,  
5 that the size of the sample has to depend on how close  
6 the election is. So the closer the election is, the  
7 larger the sample you need.

8 Secondly, the size of the sample depends more on  
9 the number of precincts than it does on the percentage  
10 of precincts. And this is something we tried to get in  
11 through the legislature, but they couldn't understand it  
12 at the time, so we -- we gave up.

13 But that's the mathematics of it, but it's the  
14 number of samples you take, rather than the percentage  
15 of the precincts that you take. That's why the smaller  
16 counties which have maybe one or two precincts being  
17 sampled is inadequate in almost every case. On the  
18 other hand, Maricopa County has a couple thousand  
19 precincts, and they do an adequate sample with two  
20 percent, most of the time, because of the number of  
21 precincts involved.

22 Secondly, with respect to batch auditing, right  
23 now we're printing these reports upside down. And, as  
24 you know, there are reports out there that people would  
25 like to look at, just to be sure that they're in the

1 right places. In looking at the GEMS database, it  
2 appears that the batch numbers are clearly identified in  
3 one of the tables as the date it gets read into the GEMS  
4 database, the batch numbers are there. It is clearly  
5 feasible to obtain the data we're looking for that way,  
6 by direct electronic extraction rather than summary  
7 reports. And I don't think GEMS supports that report.  
8 Okay.

9 MR. NELSON: Okay.

10 MR. RYAN: But it's clearly a relatively simple  
11 thing to be able to provide, although we would have to  
12 go through a certification cycle to get it. So I just  
13 wanted to --

14 MR. NELSON: I'm interested in that. We'll talk  
15 about that later on, but, yes, I'm interested.

16 MR. RYAN: Finally, I just want to comment that  
17 I'm looking at this security plan, the Pima County  
18 Security Plan, and I just want to comment that it is  
19 less specific than the memo from Chuck Huckelberry. So  
20 there are a number of ideas in his plan that ought to be  
21 laid out in detail in this plan and -- because I think  
22 this plan is pretty vague on how you would actually  
23 implement some of these things.

24 MR. NELSON: Okay. I would tend to agree with  
25 you.

1 MR. RYAN: So that's most of my comments.

2 MR. NELSON: Okay. Anyone else, ladies and  
3 gentlemen?

4 FEMALE: I have one other question, because I  
5 hadn't had the chance to go through the report, but when  
6 we're doing these randomized auditing, is it per race?  
7 And, you know, are we checking to make sure that the  
8 race for the sheriff is just being checked in that  
9 precinct, or is it going to be every race in that  
10 precinct that's going to be audited?

11 MR. NELSON: This lady asked a very good  
12 question, and that is which contests, and sometimes in  
13 primary elections which party's contests, are going to  
14 be part of the audit.

15 The day after the election, so, Tuesday election  
16 comes and goes, we have received, "we" meaning the  
17 county have received all the precinct results, and we  
18 then make available all of the precinct results. We  
19 have approximately 400 precincts here in Pima County, so  
20 they are precinct by precinct results from one to 400.

21 At that particular time, the political party  
22 chairs get together, and we then draw random -- I  
23 shouldn't say we -- they draw randomly on which  
24 precincts we're going to audit, which contests within  
25 those precincts and which parties within those

1 precincts.

2 Now, it is possible that they will select a  
3 precinct where there is no contest. Let us say, within  
4 the Democratic party election, there's somebody running  
5 for county sheriff, and they're running completely --  
6 I'm sorry, county sheriff is a bad example.

7 I need to define which races are subject to hand  
8 counts. They are federal races, statewide races,  
9 meaning governor and things, state legislative races and  
10 state-wide races. So my previous example is an  
11 inaccurate one, because those are not part of the races.  
12 Federal, U.S. congressmen or senate and, when it is  
13 reflected, as it will be this time, the office of the  
14 United States President, and then statewide officers,  
15 those are the ones selected.

16 Those are selected, the precincts and the  
17 contests, by the political party chairs.

18 FEMALE: So essentially we're not checking the  
19 precinct for all the races in that precinct?

20 MR. NELSON: That is correct.

21 FEMALE: We're just picking one. So it's really  
22 actually less than two percent.

23 MR. RYAN: We're auditing four races, and in  
24 every precinct there will be four races, or five if it's  
25 a presidential year. It's just that there are certain

1 races, local sheriff, that kind of thing, which are not  
2 audited.

3 FEMALE: Right.

4 MR. NELSON: Now, it is proposed in this plan  
5 that we hand-count audit for county-wide races, as well.  
6 So it's not just the state's.

7 MR. NELSON: Yes.

8 MALE: I want to clarify something you just said.  
9 You say when the elections are over, it's public record,  
10 that anybody can see what the totals are in each  
11 precinct, so, what Precinct Two was on a given race.

12 MR. NELSON: Yes, it is. If we were to print out  
13 a hard copy, we're literally talking about 2,000 pieces  
14 of paper, but there is a CD that would be available.

15 MALE: You could make a request?

16 MR. NELSON: The request can be made. I need you  
17 to understand this, which I'm sure you do since you're a  
18 civic-minded individual, that it is a snapshot point in  
19 time. There are still early and provisional ballots  
20 that need to be processed. So that's not an official  
21 count of the election.

22 MALE: Who's the individual responsible for the  
23 content of these information packages?

24 MR. NELSON: I'd say it's a joint effort at this  
25 point in time, and certainly we're getting information

1 from you folks here.

2 MALE: Who authorized what's to be included?

3 MR. NELSON: Well, I don't know whether I would  
4 use the word "authorized". It's still being drafted.

5 MALE: No. This packet, this thing was put  
6 together by the county. Who authorized the contents of  
7 what?

8 MR. NELSON: I would probably have to say Mr.  
9 Huckelberry.

10 MALE: Well, Attachment Four has absolutely  
11 nothing to do with what Pima County is doing. This  
12 foundation is an industry supported foundation. It's  
13 not meant to inform, but to persuade. There's no reason  
14 for article four -- Attachment Four being attached to  
15 this informational package at these meetings. I find it  
16 extremely inappropriate.

17 MR. NELSON: I understand.

18 Yes, sir?

19 MALE: I'd like to make a statement that I voted  
20 in many elections in America, and my wife is European,  
21 and we visit her country every year, and it just is  
22 beyond me why this country, a pillar of Democracy,  
23 cannot have the same voting procedure in every state. I  
24 just don't understand this. Why does each state have  
25 their own system? Why can't there be a federally

1 mandated voting machine, paper ballot or whatever, so  
2 people vote the same way?

3 MR. NELSON: Good question. I'm not sure where I  
4 come down on that, on which side of it, because I can  
5 see arguments for both sides, to tell you the truth.  
6 But the closest -- the gentleman refers to that there is  
7 no statewide U.S. election code, that this is the way  
8 elections are going to be run from Florida to Alaska,  
9 that there is no unique one type of election machine,  
10 for lack of a better term, that is out there at this  
11 particular point in time.

12 Does that have advantages? Yeah. Does it  
13 probably have disadvantages? Yeah, it probably does, as  
14 well. And I'm not here to argue one way or the other  
15 about what should be done with it. Your point is well  
16 taken, and others have brought that to the surface, as  
17 well.

18 Mickey?

19 MR. DUNIHO: It's actually a constitutional  
20 question. U.S. Constitution says that only the specific  
21 powers given to the federal government in the  
22 constitution belong to the federal government, and all  
23 other powers go to the states. And elections was not  
24 given to the federal government; therefore, it goes to  
25 the states.

1           In fact, in the 2000 election, when the Supreme  
2 Court stepped in and declared a winner, that was illegal  
3 by the constitution, because the federal government has  
4 no power over elections.

5           MALE: So why didn't somebody do something about  
6 that?

7           MR. DUNIHO: Good question.

8           MR. NELSON: Let's form a committee.

9           MR. POSTON: While we're talking about state  
10 election statutes, I'd like to say something about that,  
11 because obviously they're in bad need of reform, not  
12 having been changed in many respects for many years.  
13 And I decided to look into this a little bit, and what I  
14 found was a lot of more interesting and quaint.

15           Aspects of Arizona election law date back to the  
16 period of time around 1917, when World War I was on and  
17 the Bisbee miner strike was going on and everybody was  
18 worried about the wobblies and communist infiltrators  
19 taking over. And so these laws were passed in order to  
20 make sure that they could rig the 1918 election to come  
21 out the way they wanted, and we've never changed them  
22 since. And so we have these kind of messes.

23           And I think we need to join the 21st Century and  
24 fix the law so that if somebody steals the election, and  
25 they stonewall for three days, they don't think they're

1 going to get away with it. And that's a ridiculous  
2 concept, the idea that the election is finalized in the  
3 way that it is. And I'm sure that that's something that  
4 could be challenged on the basis of some sort of Civil  
5 Rights argument. I don't think that the law that we  
6 have is probably constitutional. I think that this  
7 election challenge procedure that we've got is designed  
8 to make it easy to steal elections, and that's what  
9 we're looking at here, and that needs to be changed.  
10 And there are a lot of aspects of the election law that  
11 don't make any sense in our day and era.

12 FEMALE: Unfortunately, you would need a  
13 constitutional amendment for that.

14 MR. POSTON: Just have to get the Arizona  
15 legislature off its --

16 (Proceedings interrupted by court reporter.)

17 MR. NELSON: The reporter is asking us to return  
18 to a little more formal commenting here, though I do  
19 appreciate everybody's comments.

20 MR. RYAN: Can I make another comment? I just  
21 want to make one more comment. I am personally working  
22 on election reform legislation. We had a couple of  
23 bills passed in the last couple of years that have added  
24 the audit log, and we were working on other changes, and  
25 these things happen slowly, because, as you well know,

1 the legislature, you have to pull them by their teeth to  
2 get them to move in that direction. But we have found a  
3 few that are interested in more transparency in  
4 elections, and I would appreciate hearing from anybody  
5 who has ideas about where the law is defective and how  
6 we can fix it.

7 MR. POSTON: Can you give me their names? I'd  
8 love to know.

9 MR. NELSON: I'm going to interrupt Tom for a  
10 bit. Just so you know, it's a bipartisan effort. It's  
11 not just one party out there that's interested.

12 MR. DUNIHO: I think I would like to make a  
13 statement.

14 MR. NELSON: Please.

15 MR. DUNIHO: I wasn't planning to.

16 MR. NELSON: I've got your card.

17 MR. DUNIHO: Okay. I'm Mickey Duniho. I've been  
18 heavily involved in this since 2006, and I've already  
19 posted a lot of comments on the county web site in  
20 response to Mr. Huckelberry's memo and the security  
21 plan, so those are available for anybody to look at.

22 I'd just like to make a couple of comments about  
23 some other things. In terms of the early ballots, I  
24 think that it is probably possible for those early  
25 ballots to be sorted by precinct, at least day by day as

1 they come in, and it would then be possible to produce  
2 batches that were limited to one or two or maybe three  
3 precincts, and I think that's a possibility.

4           Somebody asked earlier about is there a system  
5 that is better than the system that we're using. It  
6 happens that in Australia the government there decided  
7 to develop their own electoral election machine system.  
8 They developed it in using the C Plus Plus language in  
9 Unix, and they posted it on the Internet for all to see  
10 and invited critiques from all over the world, and they  
11 got critiques from lots of people. And they improved  
12 the system, and their software is still available on the  
13 Internet, if anybody wants to look at it. Their voting  
14 system is somewhat different from ours in that they have  
15 instant runoff elections, and we don't. But I think  
16 their system could probably be adapted to U.S. use. I  
17 don't know whether that's something Pima County could do  
18 on its own, but it's certainly feasible for somebody to  
19 do it.

20           And regarding the audit, the law does not limit  
21 the audit, and so we certainly can audit more precincts  
22 if we want in Pima County. We can audit more early  
23 batches if we want. We can audit local races if we  
24 want. The law does not say what you cannot do. It only  
25 says what you must do.

1           Let me look. I think that's all I wanted to say.

2           MR. NELSON: I thank you.

3           MR. RYAN: Along those lines, I just want to  
4 comment that early ballots, only one percent of early  
5 ballots are audited through this batch process, whereas  
6 it's two percent of precincts, so we have a sample size  
7 that's half in early ballots. And on top of it, we  
8 don't have an end-to-end audit for early ballots.

9           MR. NELSON: Yes? How's the voice holding up?

10          MS. JONES: I don't know. We'll see.

11          Just at the risk of being incredibly Pollyanna,  
12 first of all I want to thank you for this hearing and  
13 the other ones you're doing, and I perceive that you're  
14 really listening, and that matters, so, thank you. I  
15 don't know if I got to thank you in the beginning.

16          MR. NELSON: I appreciate it.

17          MR. JONES: And the second one, this is the thing  
18 at the risk of probably maybe sounding Pollyanna. On  
19 one hand, it seems like this whole election thing is,  
20 whoa, just incredibly challenging and complex. You  
21 know, it's kind of going up the hill and keep going up  
22 the hill and up the hill, but the flip side of that is I  
23 think Pima County has an incredible opportunity here to  
24 get it right, and it's worth doing it. I mean, we  
25 have -- we have the opportunity to correct things that

1 happened wrong, to keep learning, to make corrections,  
2 to have this whole process be an exciting process. It  
3 really could even be a national model. And I -- I  
4 really, with all my heart, hope that it will be that.  
5 And I think all the parties should participate and  
6 really get -- I mean, have a tremendous amount of input,  
7 because it only works if all the people are doing it.

8 And, really, I thank you, and it really is worth  
9 getting it as right as we possibly can.

10 MR. NELSON: Thank you. Yes, Mickey.

11 MR. DUNIHO: I forgot one thing. Sorry.

12 MR. NELSON: You can forget two things, if you  
13 want.

14 MR. DUNIHO: Regarding the RTA election, I know  
15 that, because of newspaper articles, there is widespread  
16 concern about whether the RTA election was legitimate,  
17 and the attorney general's investigation didn't really  
18 come to any real conclusion in that regard.

19 I have a suggestion, if the county is interested  
20 in pursuing it, and that is, if you would like to put to  
21 rest concerns about the RTA election -- my understanding  
22 is that the ballots have not yet been destroyed.

23 MR. NELSON: That's correct.

24 MR. DUNIHO: And if the county chose, I think  
25 that the political parties would join in asking a judge

1 to authorize some kind of hand-count audit of those  
2 ballots. A few precincts would probably be sufficient,  
3 and I'm sure that we could get plenty of volunteers to  
4 do those hand-count audits at no cost to the county. So  
5 that's a suggestion.

6 MR. NELSON: Thank you.

7 FEMALE: Great suggestion.

8 MR. NELSON: Again, I appreciate everybody's  
9 comments. I agree with this lady, and many of you  
10 ladies and gentlemen, in that Pima County should not  
11 just be the best in the state, but the best in the  
12 nation. Whether you agree with me or not, I think we're  
13 on the path of doing it.

14 I've been doing elections since about 1976 and  
15 have had the opportunity to visit my colleagues at their  
16 work stations in other states of the union and other  
17 counties within the State of Arizona, and I don't know  
18 whether this is a good thing or bad thing, but we're --  
19 Pima County is actually better than most places around  
20 the United States. And you might say, oh, my gosh, that  
21 puts the rest of the world in a bad way.

22 Where I'm getting to is that if you have  
23 suggestions, you know, "I used to live in Iowa or  
24 Maryland," or someplace else, "and they used to do it  
25 that way," I'm interested in those suggestions, too.

1           Because when we go to those other jurisdictions, whether  
2           it's just across the county line or across the state  
3           line, someplace else, we usually see things that we  
4           never thought of, and they get stuff from us that we  
5           never -- that they never thought of.

6                     So, it is improving. Is it good? No. Is it  
7           always going to be in need of improvement? Yes. But  
8           with groups like this, I think we're on our way.

9                     Yes, sir.

10                    MALE: There is an easy method to sort mail-in  
11           ballots. You simply bar code the interior envelope by  
12           precinct number and get yourself a mail sorter that  
13           sorts it.

14                    MR. NELSON: You can propose that to Ms.  
15           Rodriguez. That's her department. I understand that  
16           the City of Tucson and Maricopa County may be doing  
17           something very similar to that right now.

18                    MR. RYAN: I was told that when they come into  
19           the recorder's office, they do sort them by precinct,  
20           and then when they collect enough ballots to send over  
21           in a box, they lose all that sorting and put them  
22           together in a box and send them over to the election  
23           division for their early ballot board.

24                    MR. NELSON: I just learned something. I didn't  
25           know that.

1           MR. RYAN: The reason is they don't want to hold  
2 the ballots until they have a box full enough for  
3 precinct 32, because it might take until, you know,  
4 three days after the election to get enough of them to  
5 put in a box.

6           MR. NELSON: That's what I was talking about:  
7 timing.

8           I had no idea they sorted them by precinct and  
9 then unsorted them.

10          MR. RYAN: That's what I was told by somebody in  
11 the recorder's office.

12          FEMALE: But if they sort them by precinct, there  
13 should be a record.

14          MR. NELSON: I think they unsorted them.

15          FEMALE: Before they --

16          MR. NELSON: Before they come to my office.

17          Sir?

18          MALE: Just a comment about time, which I know  
19 came up a lot in the trial. We do live in a microwave  
20 society, but for God's sake, we have elections that  
21 we're going to have repercussions from for the next two,  
22 four, six years, a day or two to have a better election,  
23 that we are dead certain, or as dead certain as we can  
24 be, that we've got the correct result is not a lot to  
25 ask.

1           MR. NELSON: I think even those individuals that  
2 don't agree with me on anything may agree with me on  
3 this. That is, to do that well, to do an audit well, we  
4 need an earlier primary election date, because right  
5 now, I don't -- Pima County doesn't canvass the  
6 September primary election, in other words, who won the  
7 primary, to have their names forwarded on to the general  
8 election ballot until approximately September the 16th.  
9 We turn -- Pima County turns their official canvass over  
10 to the secretary of state for her to canvass the entire  
11 election for the primary election and make that  
12 official.

13           If there's a contest, in other words, a recount,  
14 or a contest for a statewide office, we don't print  
15 general election ballots, because we don't know who's  
16 going to be on the ballot.

17           If we had more time between the primary and  
18 general election to come to a meaningful, thoughtful  
19 process on who the nominee is going to be from that  
20 party going on to the general election ballot, it would  
21 make things so much easier.

22           MALE: Of course, that doesn't apply to the RTA  
23 or general election, just simply talking about the  
24 primary at this point.

25           MR. NELSON: There are issues. You have to

1 canvass the election, even with imperfect returns, by a  
2 certain date. But you're exactly right, it's not  
3 exactly the same. But what I'm getting around to is you  
4 must come to an end at some point in time.

5 FEMALE: That begs the question: What would you  
6 suggest it be, or approximately, just a ballpark?

7 MR. NELSON: I'm not a member of the state  
8 legislature, but when you start moving the primary  
9 election date back to when the legislature is still in  
10 session, the incumbents do not like it. If we were to  
11 move it back to July or August, people say nobody's here  
12 in town, it's all too hot, they're elsewhere.

13 Personally, I kind of like the idea of a June or  
14 March primary election, to tell you the truth, because  
15 it gives time for retraining, as necessary, whatever  
16 happened in the primary election. I don't have a whole  
17 heck of a lot of time to retrain and retool and  
18 everything else between the primary and general.

19 MALE: And I observed and helped in Chicago city  
20 and Du Page County, Illinois, and New York county and city  
21 elections, and it was exactly that way. It was March to  
22 May.

23 MR. NELSON: If you can have an election, a  
24 primary election, and I'm not advocating this,  
25 necessarily, I'm just saying it would work a lot better if

1 I didn't have to -- and the other thing is that the  
2 primary election, excuse me, the general election is  
3 November the 4th, I think, this year. I have to have  
4 early ballots printed and ready to go 34 days in advance.  
5 So, I have to have primary -- excuse me -- general  
6 election ballots ready, printed, ready to go out to people  
7 as early ballots on or about October 1st. So I'm -- I've  
8 got that much time.

9 FEMALE: All over the world, election observers  
10 interview people and get exit polls. And everywhere  
11 around the world, they are supremely accurate, except in  
12 the United States, of course. And I'm wondering about how  
13 we might be able to put some sort of system in with  
14 volunteers who would be doing the exit polls and see what  
15 that would do.

16 MR. NELSON: I'm not, certainly, an expert on  
17 exit polls.

18 Here's a situation, as I understand it, that may  
19 be a little peculiar, if not to Arizona, at least to the  
20 western United States. And that is, over 50 percent, or  
21 close to 50 percent, of the people who participate in the  
22 election never go to the polls in the first place. They  
23 voted by mail.

24 Edison/Mitofsky, I'm probably destroying the  
25 name, they are the person who does most of the polling

1 across the United States, I think they've even had some  
2 trouble with training their pollsters outside the poll  
3 places on who and who not to approach.

4           The other thing, when people begin to make  
5 comparisons on voting within the United States compared to  
6 voting in other democracies around the world, like it or  
7 not, the United States election process is winner take  
8 all, whereas most of the rest of the world are  
9 parliamentary elections. Even if your candidate is not  
10 going to win prime minister, it's still worth it to you to  
11 come to the polls and vote for your party in a  
12 parliamentary election. Some of the things that are  
13 different and some of the things that are the same, as you  
14 go across the world.

15           MR. POSTON: I'd just like to make one  
16 observation.

17           MR. NELSON: Please.

18           MR. POSTON: The attorney general's finding in  
19 this matter means zero to me. I know a lot about how the  
20 attorney general's office investigates things, and they  
21 have a pattern of when they investigate wrongdoing by  
22 wealthy, powerful people, such as those who backed the  
23 RTA, stonewall and stonewall and stonewall. And the  
24 investigation drags on and on and on, and no one on the  
25 outside can get any details on what's going on because

1 it's an ongoing investigation. And some of these things  
2 have been ongoing for years, the purpose being to prevent  
3 anyone from knowing that they're not doing anything about  
4 it.

5 The fact that the attorney general finds no  
6 evidence of tampering or skullduggery means zero. I  
7 wouldn't expect him to. I don't think that he thinks it's  
8 his function to find wrongdoing in a case like this. I  
9 think it's his function to whitewash you no matter what  
10 you do. So I wouldn't be too sanguine on leaning on the  
11 attorney general's findings, if anything, because I don't  
12 think that the attorney general's office has a very good  
13 record investigating wrongdoing by large powerful  
14 companies or by governmental agencies. I'd just like to  
15 say that, that Mr. Goddard's got a reputation for being  
16 gutless in these investigations, and I think that's what  
17 we're seeing here.

18 MR. NELSON: Thank you.

19 MR. POSTON: Yeah, there's a lot of problems,  
20 who's defending who, and who our attorney general and who  
21 our Pima County attorneys are supposed to be representing.  
22 Should be representing us. Not you.

23 MR. NELSON: Ladies and gentlemen, we have about  
24 30 minutes left for the room here. You are welcome to  
25 stay. You are welcome to go. I thank you for being here.

1 It was worth it for me. I hope it was worth it for you.

2 And I think that's it.

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4 (Meeting adjourned at 4:00 p.m.)  
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COUNTY ELECTION SECURITY PLAN PUBLIC MEETING  
PIMA COUNTY PUBLIC WORKS BUILDING  
December 11, 2007, 2:30 p.m.

1           MR. NELSON:  If I could have your attention,  
2 please, by my watch it's 2:30.  I thank you for being on  
3 time.  We will start on time.  If you've got a pager or  
4 cell phone that makes a little jingle, if you'd put it on  
5 silent so it doesn't disturb anybody else's comments or  
6 thought processes during this particular hearing.

7           This is a public hearing to get your input,  
8 good, bad, indifferent, questions, on how you would change  
9 things, recommendations to the Pima County  
10 security/integrity election plan.

11           There is a plan that has been on-line for a  
12 brief period of time.  I believe you had an opportunity to  
13 pick up the plan as well when you walked in here today.  
14 One moment while I get some reference material.

15           I haven't checked the on-line comments section  
16 in probably about 24 hours or so, but it looks like -- the  
17 last time I looked -- there were approximately 10 to 12  
18 comments there already.

19           The comments that will be heard here today from  
20 you, the audience, are going to be recorded by a court  
21 reporter.  That will be handed to the County Board of  
22 Supervisors so they can see what comments were derived at  
23 these meetings.

24           This is the third of four meetings.  We had a  
25 meeting last Friday in Oro Valley, all of two people

1 showed up, two gentlemen.

2 I think one was a co-worker, if I remember the  
3 face correctly. They came in, got the report, studied it  
4 for a brief period of time, and then one of the gentlemen  
5 asked me this question -- and it's a question that may be  
6 pertinent to our discussions here today -- and that is,  
7 was I planning on making a presentation.

8 So no, there's no power-point presentation or  
9 anything of that nature. The report is what the report  
10 is. I'm here to act as a facilitator, as best I can. I'm  
11 not going to say yes or no, that won't work or that's a  
12 great idea necessarily. I'm just here to gather  
13 information.

14 Certainly if there is terminology in the report  
15 or terminology or phrases that are perhaps peculiar to the  
16 election process, that I can help define, I will certainly  
17 do that as well.

18 We had hoped to have amplification. We do not.  
19 There may be a time, if you are somewhat a mild-toned  
20 speaker, that the lady taking the notes may ask you to  
21 speak up somewhat if you choose to make a comment.

22 I mentioned we had a meeting in Oro Valley. We  
23 also had a meeting just yesterday at the Bear Canyon  
24 Library. There we had about 15 or 16 people, some of whom  
25 I see in the audience today. Certainly, compared to Oro

1 Valley, it was a grand turnout and great exchange of  
2 ideas.

3           During that discussion, I let some audience  
4 participation go on. I hope to do that again today, but  
5 certainly anything that needs to be on the record, we'll  
6 need to come back to perhaps a more formal atmosphere so  
7 that information is part of the record to go to the Board  
8 of Supervisors.

9           To give you an idea, one of the things that came  
10 up yesterday, in our discussion, was HR-811, the proposed  
11 Federal legislation. There was some talk about that as  
12 well.

13           Certainly that has to deal with election  
14 integrity and security, but that's not per se part of Pima  
15 County's plan. Perhaps some things that are in 811 are  
16 something you'd like to see in Pima County's plan, and if  
17 so, please recommend that information.

18           If you are not aware of me, I'm Brad Nelson.  
19 I'm the elections director for Pima County. The young  
20 lady who helped sign you in is Isabel Arizza. If there is  
21 somebody in the audience who communicates better in  
22 Spanish than in English, Isabel is here to help you with  
23 that particular challenge.

24           One more thing, we are having our last meeting  
25 December 14, 2:00 p.m. at the Joyner Green Valley Library,

1 601 North La Canada Drive in Green Valley. Individuals  
2 are asked to go bring their written comments and  
3 suggestions, if not to these meetings, at least by mail,  
4 to the Pima County Division of Elections Office, 3434 East  
5 22nd Street, Tucson, Arizona 85713. I'll repeat any of  
6 that information if you like.

7 I have received some letters already basically  
8 asking me to do the best job I can, not mentioning things  
9 per se within the report, but I have received some  
10 comments already.

11 Let's do all we can today. That is our purpose  
12 here today, to try and find out how best to keep this  
13 process going with the knowledge that it's probably never  
14 going to end. There's probably always going to be  
15 something out there we can improve upon.

16 When you came in, you were asked to sign in and  
17 sign speaker's cards. I'm going to ask people, if they  
18 choose to speak, by filling out the card, I'll ask them to  
19 come forward. They'll have five minutes. I don't have a  
20 good timer with a sweep hand on it, but I have a little  
21 bell here, like you would have perhaps at a hotel, and  
22 when your five minutes is up, I'll go like that and that  
23 means your five minutes are up. I'll let you do a little  
24 bit of a closing because I don't have a real accurate  
25 second hand, but that will let you know that your five

1 minutes are up. There are five minutes per person. So  
2 there is no I'd like to cede my time to person X or  
3 something of that nature.

4 Before we begin, I thank you for being here.  
5 I'm glad you're here. You're welcome to be here.

6 Ben, you're first up, if you'd like to come up  
7 and make a comment. Please, when you come up, announce  
8 your name and address for the reporter please.

9 MR. LOVE: My name is Ben Love. (Address  
10 redacted for the record). And I do live in Oro Valley,  
11 and I note that a lot of my neighbors are not of the same  
12 party as I am, so that may explain -- plus the fact that  
13 the trial was going on -- some of the lack of interest up  
14 there, although I know there is a lack of interest up  
15 there, I agree with you.

16 This afternoon I would like to say, having sat  
17 through all of the trial last week, that the trial, in my  
18 opinion, just proves how we have to get rid of all these  
19 electronic voting machines to prevent any hacking because  
20 all we're doing is spending money and throwing good money  
21 after bad.

22 So that's what I'm going to try to show you this  
23 afternoon is that we have spent \$2 million for the DREs.  
24 And, Brad, I heard you at one of the very well-conducted  
25 training missions, briefings, that you hold, as an

1 off-the-cuff remark, I heard you say DREs are a pain in  
2 the ass for me, and I can understand that.

3 I started to stand up and applaud you, but then  
4 I thought, well, didn't you, as president of the election  
5 directors association, speak and espouse for and advocate  
6 for these machines at the Phoenix government. At one time  
7 I think I heard you did that. So I thought, well, that's  
8 interesting.

9 Supervisor Huckelberry has said that it costs  
10 \$4,700 per vote in 2006 to operate the DRE machines. And  
11 there was 500 votes in Pima County and they all were not  
12 disabled because one or some of the supervisors, at the  
13 polls, said that DRE has to be busy all the time and so  
14 they sent people to it who were not disabled.

15 Dr. King -- so-called doctor -- he got two  
16 masters, and I guess that's good enough for doctors in  
17 Georgia -- testified in court that the DRE are not  
18 mandated, and he was so very right.

19 The HAVA is public law 107252, and I'll give you  
20 these quotes. I'm going to quote from the HAVA to show  
21 you that we are not mandated to have these machines.

22 I'm reading from page 116, section 301,  
23 accessibility for individuals with disabilities: "The  
24 voting system shall, A, be accessible for individuals with  
25 disabilities, including nonvisual accessibility for the

1 blind and visually impaired, in a manner that provides the  
2 same opportunity for access and participation including  
3 privacy and independency as far other voters." No  
4 electronic machine mentioned there. And satisfy the  
5 requirements of subparagraph A through the use of at least  
6 one DRE, direct recording electronic voting system or  
7 other voting system.

8           Now there's a thing called a vote pad, and these  
9 are simple, less expensive and nonelectronic devices that  
10 the visually impaired can use, equipped for individual  
11 disabilities at each polling place.

12           Now I'm going to read the part on construction.  
13 "In general, nothing in this section," which is section  
14 301, "shall be construed to prohibit state or  
15 jurisdiction --" I'll come back to that "-- state or  
16 jurisdiction, which used a particular type of voting  
17 system in the elections for Federal office held in  
18 November 2000, from using the same type of system after  
19 the effective date of this section." So there's that.

20           A state or a jurisdiction, what is a  
21 jurisdiction? That's someone who has the power to  
22 interpret the laws. It might be -- there is one right  
23 downtown in the courthouse.

24           So in conclusion, if we interpreted that we are  
25 a jurisdiction, then we don't have to use these and we

1 don't have to do what the secretary of state has mandated  
2 because we are on equal level as a jurisdiction. What has  
3 to be done? We have to challenge the secretary of state's  
4 mandate.

5           And in conclusion, the only thing we can afford  
6 is to get rid of this expensive equipment, which is  
7 getting more expensive, and go back to a manual count  
8 until they invent a less expensive and more secure voting  
9 system, which can be something like an odometer, which is  
10 hermetically sealed and you can't access it, and using  
11 ballots.

12           MR. NELSON: Thank you, sir. I think, for the  
13 benefit of the next speaker, and, Ben, you may be able to  
14 appreciate this, I'll hold up a piece of paper when you  
15 have one minute left. Would that have helped you, Ben?

16           MR. LOVE: No. I realize I overspoke and I'm  
17 sorry.

18           MR. NELSON: When I hold up a piece of paper  
19 like this, that means you have about one minute left. So  
20 you can begin to make your point with the appropriate  
21 amount of time. James or Jim March, please, your name and  
22 address for the record.

23           MR. MARCH: My name is Jim March. (Address is  
24 redacted for the record.) I'm here to say a couple of  
25 things. First of all, the current system we have is

1 extremely bad, but unfortunately Dr. John Moffitt was  
2 correct when he said, on the stand, that all the  
3 concurrent commercial alternatives are just as bad.

4           So I've read through -- I've read through the  
5 security upgrades manual, memo, that Chuck Huckelberry  
6 wrote with help from John Moffitt, and we are going to  
7 have a more formal set of addressing that document soon.

8           There are some things in it we like, like  
9 dumping the modem. That's a no-brainer. There are other  
10 parts of it we don't like, such as keeping one user name  
11 that's shared between multiple users. That's insanity.  
12 You've thrown personal accountability out the window at  
13 that point. If you can't track which human beings  
14 performed which operations, that's a no-brainer. That  
15 needs to go.

16           And finally we are going to suggest, instead of  
17 getting rid of the Diebold gear, which is terrible  
18 quality, that we install a higher quality auditing system  
19 on top of it. Specifically we are looking at plans --  
20 there are a couple of competing designs, but essentially  
21 do a graphic scan of all the paper ballot debris and other  
22 paper records from elections, scan them as graphics, Tif  
23 file, J pegs, whatever format, and make them available on  
24 the web and make them scanned in a way that's publicly  
25 visible, so we can hand-check later any particular race or

1 precinct that we think might have been a bit wonky. In  
2 other words, it's sort of a delayed, distributed  
3 hand-count later, on top of all of your existing  
4 processes, and the goal here is to get rid of the  
5 uncertainty as to what is actually on the paper, and put  
6 the system under a much more democratic set of controls.

7 Now the other set of suggestions we are going to  
8 submit is to call for the removal of Mr. Brad Nelson and  
9 Brian Crane. Throughout the primary and general election,  
10 of 2006, we had a number of security improvements put in  
11 place. Brad Nelson or Brian Crane or both systematically  
12 subverted all the most important ones.

13 On election morning, the general election of  
14 2006, we had security locks on the central tabulator.  
15 Those were not supposed to be cracked open without party  
16 observers there.

17 Well, come early in the morning, we had an  
18 emergency that wasn't at an emergency level, it wasn't  
19 shutting down voters, but we needed to crack the case and  
20 we won't bother calling any party observers. We had  
21 testimony, in the recent trial, that election department  
22 employees walked in on Mary Martinson and two employees  
23 cracking open ballot bags and looking through paper  
24 ballots the day before the hand-count in the primary  
25 election.

1 I can't prove to you that they were doing that  
2 in order to make sure that the hand-count would go exactly  
3 as expected, but the possibility is rather frightening.  
4 It smells a lot like what happened in Ohio, where a couple  
5 of people went to jail for that same problem.

6 We asked for public records on election night.  
7 We were delayed access to them, at the general election,  
8 for 20 days. And by the time we figured out there was a  
9 problem with the general, oops, sorry, all that videotape,  
10 for all those expensive cameras we've put up, has gone and  
11 disappeared because we are over a 20-day retention cycle.

12 So every single major security improvement,  
13 cameras, locks, hand-counts, got systematically subverted.  
14 There's not going to be any more delays in access to  
15 public records. Bet on it, folks. Don't even think about  
16 delaying access to public records in the next election  
17 cycle.

18 Finally we need trustworthy gear, yes, but  
19 trustworthy people is more important than the actual gear.  
20 Thank you very much.

21 MR. NELSON: Thank you, sir. The next speaker  
22 card is from Mike Hayes, please. Your name and address  
23 please.

24 MR. HAYES: My name is Mike Hayes. (Address is  
25 redacted for the record.) I'm also the president of

1 Campbell-Grant Northeast Neighborhood Association. That  
2 got me involved with this to begin with.

3 I don't have organized remarks, so I may be all  
4 over the place, but I'll do my best because I didn't know  
5 what the situation would be to prepare for.

6 I'd like to begin by saying I think we made a  
7 terrible mistake, that the only part of an election  
8 process that should be secret is the secret ballot.

9 Counting of the ballots should in no way be  
10 secret, and by turning these over to privatized  
11 corporations and their proprietary software, we have made  
12 a terrible mistake, especially given the fact that all of  
13 those software systems have proven themselves to be such a  
14 disaster in terms of their actual security abilities.

15 I attended most of the trial. I was not able to  
16 make the last day, but I was appalled at the description  
17 of the way that the elections department was run.

18 And I want to apologize, Mr. Nelson, because you  
19 may be a very nice man, but it does not seem to me that  
20 you have run that department in a way that is at all  
21 consistent with the incredible responsibility that you  
22 were handed.

23 The fundamental bedrock, on which our nation's  
24 democracy stands, is the integrity of its elections, and  
25 yet it appears to me that you made no special efforts to

1 investigate what level of security you actually had in  
2 your elections department.

3           There were reports brought to you that Mr. Crane  
4 was taking home elections. You knew relatively early on,  
5 around the RTA election, that the Democratic Party was  
6 finding all kinds of problems. And instead of  
7 cooperating, you actually slammed the doors and stopped  
8 doing so.

9           It seems to me that you're not alone in this  
10 situation, that your employer, Chuck Huckelberry, seems to  
11 have paid very little attention to what you were doing and  
12 asked few questions and wanted to know even less. In  
13 fact, during his testimony, I wondered if he would know  
14 where Pima County was if we were to ask him.

15           The bottom line, for me, is simply that this  
16 whole system has to be as open as possible. Anything that  
17 can be done that allows us to be absolutely sure that  
18 every ballot is counted and that every spare ballot is  
19 accounted for, that the counts are accurate, has to be  
20 done.

21           Right at the moment, I can tell you that the  
22 majority of the people, in my neighborhood association,  
23 believe the RTA election was stolen. That is not a good  
24 basis on which to run a democracy, a county or anything to  
25 do with the United States. I'll stop it right there.

1           MR. NELSON: May I ask a question? I'm  
2 unfamiliar with where your neighborhood association is  
3 exactly?

4           MR. HAYES. Campbell-Grant Northeast. We are  
5 bordered by Campbell, Grant, Glenn and Tucson Boulevard.

6           MR. NELSON: Thank you very much. Ms. Donna  
7 Branch-Gilby.

8           MS. BRANCH-GILBY: Good afternoon. My name is  
9 Donna Branch-Gilby. That's G-i-l-b-y. (Address is  
10 redacted for the record.) I am the past chair of the Pima  
11 County Democratic Party, and last year and the year before  
12 that I received a crash course in election processes and  
13 what happened in Pima County around election time.

14           So I was very encouraged to see the memo, from  
15 County Manager Chuck Huckelberry, regarding the changes to  
16 improve security. So I'm going to be addressing some of  
17 those items starting on page eight with the passwords. I  
18 think it's essential that, however the passwords are put  
19 out, that there is a way of individuals being identified  
20 as to who taking what kind of action at any process during  
21 the election. That way those employees, who are able to  
22 correct or facilitate time-saving, money-saving, whatever,  
23 they are able to get credit, and those who are delaying or  
24 obscuring or something, we are able to see who is doing  
25 that.

1           I was stunned, at the trial, to hear that four  
2 people shared the same password and log-on ID, which, in  
3 my professional experience, that's definitely not the  
4 practice in any professional organization.

5           I salute the decision to discontinue the  
6 precinct level results coming in by modem because I know,  
7 from having worked at a polling place, that that  
8 process -- that many times that left the inspector going  
9 away from the other workers to do that transmission at the  
10 very time when questions would be coming up, and I'm sure  
11 a lot of ballots got put in the wrong bags, as a result,  
12 because your senior person was not filling them at that  
13 time; however, in the whole process of monitoring accuracy  
14 of elections, there is a great strength in accounting and  
15 ascertaining election results at the precinct level  
16 because the people at the precinct level are only dealing  
17 with some 100s to maybe less 2,000 ballots, and people  
18 know, at the precinct level, how many folks are  
19 registered, in what way, what's the traditional crossover  
20 of votes, who is the name on the ballot that is well-known  
21 to everybody in the precinct, et cetera.

22           I would encourage some research to be done about  
23 the value of actually counting at the precinct level.  
24 It's one way of catching things early.

25           And I think that, along with that, it would be

1 very helpful if we were to sort the vote by mail or the  
2 early ballots by precinct and add those totals in to  
3 whatever comes from the election day ballots. It's like a  
4 preaudit. It's very helpful.

5           Regarding the chain of custody of records, I was  
6 very happy to see the additional detail here, and I'd like  
7 to recommend that there also be a chain of custody policy  
8 when ballots are sent from the administration building, at  
9 the Eighth Floor, to the Mission Road facility.

10           I noted that there is a plan for getting them  
11 from the county recorder's office to the county elections  
12 division, but it didn't specify where that was, and in the  
13 past, there hasn't been any kind of logging between the  
14 Eighth Floor and the Mission Road facility.

15           Another refinement on video retention, number  
16 seven, there was no time phrase listed here in this  
17 policy, and I would suggest that there be some detail put  
18 in so that if parties know that they need to request  
19 immediately, to look at that video, that they are able to  
20 make the request in time so they can actually see the  
21 video.

22           My final concern is -- it's a concern, and I  
23 leave it to more technical minds than mine to come up with  
24 a solution -- and that is the monitoring of the directions  
25 that are placed into the memory card and how those are

1 extracted because, under our current ballot scanning  
2 system, how those cards are programmed indicates how the  
3 ballots are counted, and to my knowledge -- and I was at  
4 the trial all three days -- there is no formalized check  
5 to see if the memory cards are programmed in the way that  
6 they need to be programmed for an accurate and transparent  
7 election.

8           So I'm grateful for this opportunity. I hope  
9 Pima County, we can go forward together assuring people  
10 that their votes are counted as intended.

11           MR. NELSON: Donna, would you entertain a  
12 question because you brought something up and you  
13 suggested counting at the precinct level because poll  
14 workers are in tune with that community. Could you expand  
15 on what you mean by counting at the precinct level?

16           MS. BRANCH-GILBY: Actually doing a hand count  
17 at the precinct level. I know that might actually take  
18 another kind of crew to come in because I don't know too  
19 many people who want to be working that long, long day and  
20 then also do the counting. But I think that way you limit  
21 the number of errors that slip in just right there because  
22 there's a limited number of ballots that you are working  
23 with.

24           MR. NELSON: Thank you. I understand now. Next  
25 up is Mr. John Brakey, please.

1           MR. BRAKEY: My name is John Brakey. (Address  
2 is redacted for the record.) I thank the county for having  
3 these meetings.

4           I'm not too sure of what the intent of these  
5 meetings is, if the intent is to try to maybe just let  
6 things go on and kind of cover-up the problems we have and  
7 are we here really trying to work for meaningful change.

8           For myself, after three years of investigating,  
9 I think many of us in this room have a very good  
10 understanding of the problems that we have in our election  
11 department and our system.

12           We worked very, very hard to make sure that we  
13 have transparency in elections. We have found a number of  
14 problems that, in the last few months, have come out. Now  
15 we're here asking for what can pull us all together and  
16 work for those changes.

17           The first thing that is very important to me is  
18 that we do have an election director of this department  
19 that has a very high level of integrity.

20           And over the years, working with you, Brad, I  
21 always made it a point that, before I asked a question, I  
22 always knew the answer. I could always count on not  
23 getting the right answers from you. You were always  
24 shooting from the hip.

25           I hope, through all of this, that we will right

1 away appoint a special committee to go ahead and to start  
2 doing what we did many years ago, that the Democratic  
3 Party, Libertarian Party and the Republican Party would  
4 get together, and they would go out and do the interviews.

5           Somehow that has seemed to have changed after  
6 Mitch Etter left, and then somehow our county manager got  
7 the power to be -- to make the decision who to hire or  
8 fire or bring in and also the power to do oversight,  
9 which is totally the responsibility of the board of  
10 supervisors.

11           I'm asking that when these changes are  
12 implemented, that there is a steering committee or a  
13 committee of oversight or even best called an election  
14 board. You find in the states that have fairly decent  
15 elections that they are not allowed to be partisan. It's  
16 very easy to have five to seven people, and I think we can  
17 all agree it's hard to get five to seven people in a  
18 conspiracy.

19           Look at New York, how they were able to stop  
20 HAVA. Look at what happened in Illinois with their system  
21 and from past experiences. I hope the experiences that we  
22 have suffered here and also in Pima County, that Arizona  
23 is going to go ahead and make a lot of changes.

24           I'm hoping that the secretary of this state  
25 cannot be allowed to run and cochair a presidential

1 election as well as oversee our elections here.

2           The other things I asked for, and I think a lot  
3 of us can agree on, that we have no more counting of early  
4 votes seven to ten days out. We now know, for a fact,  
5 that they were abused.

6           We know, since the primary of 2004, that early  
7 ballot results were being printed. We also ask that all  
8 early ballots that are going through the recorder's office  
9 go ahead and be checked, and then, in the envelope, they  
10 are sent to the precinct and opened up and run through  
11 those machines.

12           I think that offers a tremendous amount of  
13 transparency and not a lot of abuse because realistically,  
14 if somebody were to go through a few hundred of these  
15 ballots, that are vote by mail, that it's a very excellent  
16 system for polling. In fact it's a hyperpoll.

17           We also ask that in a situation -- well, getting  
18 back to Diebold I want to echo what my partner, Jim March,  
19 says in that I'd rather deal with a machine that I know  
20 rather than bring in another entire machine that we don't  
21 know enough about.

22           We know enough about Diebold to know that the  
23 optical scanners can be very good to work with, if we have  
24 enough -- if we do enough random counts. We also want to  
25 be in a situation that the election department no longer

1 is able to audit itself. Let's say, for example, this  
2 election board, one of their functions would be to go  
3 ahead and have the election board that would oversee the  
4 auditing and checking and making sure everything is done  
5 correctly, and we can see, from past history, these things  
6 were not done.

7 We also ask that no precinct be larger than 800  
8 votes, making it easier on the poll worker to go ahead and  
9 do these processes and to be able to open them up and run  
10 through them and if there are problems, they could be able  
11 to send those back, if they haven't got time, and be  
12 treated that way right there.

13 MR. NELSON: John, would you please summarize  
14 please?

15 MR. BRAKEY: We also ask the next election  
16 director will not be hired by Chuck Huckelberry, that the  
17 changes, through this committee, would really sum things  
18 up.

19 I hope that the events of the last several  
20 years, that we can pull together and really make a model  
21 department.

22 And I also would like to extend my thanks to  
23 Karen Friar and the legal team, on the other side, for  
24 their professionalism and their good work, and I thank  
25 you.

1           If there's anything I have ever said to offend  
2 any of you lawyers over there, I apologize. I realize  
3 you're doing your job.

4           MR. NELSON: Our next speaker card is for Mark  
5 Poston.

6           MR. POSTON: Hello, everybody. My name is Mark  
7 Poston. (Address is redacted for the record). I'd like  
8 to echo many of the things that the other people here have  
9 said.

10           We don't trust you, Mr. Nelson. We don't trust  
11 the GEMS voting system. We don't trust the Diebold  
12 machines. We believe that the RTA election was stolen and  
13 that you're covering it up, and we don't believe that the  
14 recommendations in this report go quite far enough.

15           Many of them are excellent ideas. We should  
16 probably implement many of the ideas, without you, without  
17 Mr. Crane or without anyone else who is implicated in this  
18 conspiracy and this cover-up.

19           What I'd like to say, Mr. Nelson, is that I was  
20 thinking about it, and not only do you have no respect for  
21 the American institution of representative democracy -- I  
22 think that's one thing -- but when you consider the prices  
23 that have been paid in the past, in Iwo Jima, in  
24 Birmingham and in so many places to secure these freedoms  
25 and rights, and you then come along and you game the

1 system, I think that shows that you have no appreciation  
2 for what's important in life much less what's important in  
3 good government.

4 Now I don't really care what kind of system we  
5 use, whether we have paper, whether we vote on little clay  
6 disks like the ancient Greeks, but I don't want you to  
7 have anything to do with counting the votes.

8 And what I'd like to say is that we can't count  
9 on any support from the authorities here, not our county  
10 attorney, not the attorney of any county here in Southern  
11 Arizona, as we saw during the ballot initiative argument  
12 controversy, where you facilitated when Mr. Myers and  
13 Mr. Hecker signed 20 ballot initiative arguments with  
14 false names and that slipped by the front desk down there  
15 at the election department. It's just straining our  
16 credulity that that happened without your help.

17 There are just too many things. I've talked to  
18 these folks here and they've told me so many things that  
19 were wrong. We can implement all those suggestions, all  
20 the changes in the world, but you'll be there trying to  
21 game the system, trying to find end-runs around it, trying  
22 to find back doors. We have to remove the defective  
23 personnel, of which you're the chief one.

24 Now there's another issue I'd like to address.  
25 Everybody says that you're a liar, that your word is no

1 good, that we can't believe your statements or that you  
2 make inaccurate or poorly-informed statements about  
3 election law or election procedures, but there's another  
4 thing about you which is distasteful, that I didn't really  
5 realize so much until I spoke with some of these people.

6           Now sometime ago, before the RTA election, I had  
7 occasion to talk with you about certain abuses of power  
8 that had taken place in the past, before your tenure,  
9 having to do with poll workers making illegal challenges  
10 to voters and abusing their privilege at the polls.

11           I had addressed every previous elections  
12 director we've had and acting elections director -- I  
13 think the past two or three on these matters -- and they  
14 had never failed to be professional and courteous and  
15 forthcoming with information on these points.

16           And instead, you choice to become irate and you  
17 challenged me to come to the county to, quote, unquote,  
18 settle things physically. And then I made a complaint to  
19 the county administrator's office, and you wrote me a  
20 letter of apology, if you can call it that, which is  
21 entirely inadequate and in which you failed to take full  
22 responsibility for what you really said, and you used all  
23 sorts of weasel words saying that perhaps there was some  
24 sort of misunderstanding. There is no misunderstanding,  
25 Mr. Nelson. You're a dishonorable man, who wants to be a

1 bully, who would like to hide in your office and bully  
2 people.

3           Now yesterday I heard you had shoved Mr. Brakey,  
4 and this tendency towards violence on your part and  
5 threats of violence is a disturbing fact, and what I hear  
6 is that you're a gun aficionado and you combine threats  
7 of violence against members of the public, who are  
8 interested in the security of our elections, with a  
9 tendency to have weaponry. I think that's a dangerous  
10 combination.

11           There's almost nothing -- there is almost  
12 nothing that could make me quite as mad as seeing a coward  
13 and bully and a liar like you heading up our elections  
14 department.

15           Now we have to get rid of you and we have to get  
16 rid of Mr. Crane. I think we have to get rid of  
17 Mr. Huckelberry. I think we have to get rid of everybody  
18 who was involved in this coverup.

19           Now it may take years. It may be painful and  
20 expensive. We have to clean up our election system or  
21 there is very little point in us proceeding with it.  
22 Every single election we hold in the future will be  
23 doubtful and questionable and an occasion for lawsuits and  
24 challenges, and it will drag on and on and on unless we  
25 resolve this situation. We need to get rid of you, sir.

1 You are the problem.

2 I would like to say something about your  
3 memorandum too, that this is spin control. You're trying  
4 to save your butt, and it's not going to work, I don't  
5 think. I don't think it's going to work.

6 And I'll make it my personal mission to show up  
7 at every single thing in which you are involved and just  
8 hound you and follow you and research you until you are  
9 removed because I do give a damn about the American way of  
10 doing thing.

11 All you give a damn about is serving the  
12 interests of rich, corrupt people who put their interests  
13 above those of the people of Pima County.

14 It shames me and it makes me angry that this  
15 sort of thing is allowed to go on, and I couldn't have  
16 more contempt. I can't see how we can lecture other  
17 countries, about their way of government and their failure  
18 to achieve democracy, when we allow this sort of thing to  
19 go on in our own. Thank you very much.

20 MR. MOFFITT: Those of you guys who don't know  
21 me, I'm John Moffitt. I work in the county  
22 administrator's office.

23 This hearing is to discuss the plan that was put  
24 out by Mr. Huckelberry. I think we have clearly heard the  
25 comments about Mr. Nelson. Mr. Poston, I believe you said

1 some of the same similar things yesterday.

2 MR. POSTON: Yes. We are here to discuss  
3 elections and accountability. This plan is what you'd  
4 like us to focus on, but we're here to talk about  
5 elections and accountability.

6 MR. MOFFITT: All I'm saying is that I think the  
7 point has been made. We would like to discuss what the  
8 plan is and how we go forward together on how to do it. I  
9 don't think we need to sit here and continue to personally  
10 attack Mr. Nelson.

11 MR. POSTON: Well, if Mr. Nelson doesn't like  
12 this sort of treatment, he shouldn't behave this way.

13 MR. BRAKEY: He does make a point because how  
14 can we take this plan very seriously when we see the same  
15 players sitting up front.

16 We do want to work together -- I think you know  
17 that -- but this sends the wrong message. It really does.  
18 That's why I went to the Board of Supervisors and said  
19 please come here and share this meeting. There are people  
20 who are very serious, that do want to reform this and make  
21 this work, but it can only work if you guys put a good  
22 face out to somebody we can really work with. I'm sorry.  
23 That's the point.

24 MR. MOFFITT: John, I don't have a problem with  
25 that. The issue I'm trying to get back to is that we are

1 not here to personally attack the gentlemen who are here.  
2 If you want to attack the process, the system, that sort  
3 of thing, I think that's fine.

4 MR. BRAKEY: He is the process. He's integral  
5 to the process. He's our elections director who let us  
6 down, failed us. We don't understand why he isn't man  
7 enough to resign and leave.

8 MR. MOFFITT: I've made my point. All I'm  
9 trying to say is let's conduct this with some respect. I  
10 don't have a problem with all the points coming out. You  
11 know we have never tried to shut any of these points down.  
12 I'm just saying you can make your point --

13 MR. POSTON: You have to earn respect, Mr.  
14 Moffitt, and he hasn't done that.

15 MR. MOFFITT: Mr. Poston, I'm just asking that  
16 the rest of the speakers acknowledge that and operate that  
17 way.

18 MEMBER OF THE AUDIENCE: Is it unreasonable for  
19 us to bring up issues that are not directly already in  
20 here?

21 MR. MOFFITT: No, I'm not saying it has got to  
22 be restricted to that. If you've got some ideas -- we are  
23 here to try to better the process. If you've got some  
24 ideas or there are other issues that need to be raised and  
25 followed up, it will be followed up on, but we're not here

1 to personally attack somebody. We're here to better the  
2 process.

3 MR. POSTON: That's what I came for.

4 MEMBER OF THE AUDIENCE: This morning I called  
5 my Board of Supervisor's office to express my concern that  
6 I would be addressing Mr. Nelson and stating that I  
7 thought Mr. Nelson had not done his job and needed to go.

8 That doesn't seem appropriate. I do feel very  
9 uncomfortable doing that. And I asked that perhaps  
10 someone else should run this meeting. I don't see how we  
11 can say that in a nice manner. Our belief is that, in  
12 fact, that's where this whole thing fell apart. That's  
13 what we have to say.

14 MR. POSTON: If he doesn't like it, he can sue  
15 me for defamation for character, if he feels like it.

16 MR. MOFFITT: That's the reason I'm here. We  
17 also have some staff here to do this. This transcript  
18 will be going to Mr. Huckelberry and the board. So we'll  
19 be carrying these messages all the way back.

20 All I'm asking is that we address the issues  
21 clearly, without it being personal. That does not mean  
22 that, if you feel that there's something not being done  
23 appropriately, that you need to say it, but it's not  
24 appropriate, in my opinion, to attack him personally.  
25 It's appropriate to lay the issue out and say we want to

1 do this differently. This is how we move forward.

2 MR. POSTON: Well, Mr. Moffitt, may I say  
3 something? I see this as yet another example of the  
4 elections department trying to control and define public  
5 opinion instead of responding to it and recording it  
6 accurately.

7 It's not your job to tell us what we say and  
8 don't say. You write it down. All right? Make an  
9 accurate record. Don't try to control the public debate.  
10 We come here. We can talk about whatever we want, as long  
11 as it is related to this, and this is related to it.

12 MR. MOFFITT: That's fine. I'm just saying  
13 please operate at a level of decency that shows some  
14 respect.

15 MR. POSTON: I don't have any respect for a man  
16 who fixes an election. I'm not going to pretend I do.

17 MR. NELSON: Thank you. I hope I'm pronouncing  
18 this right, Dick Basye, B-a-s-y-e.

19 MR. BASYE: Basye.

20 MR. NELSON: Thank you, sir, and welcome.

21 MR. BASYE: Dick Basye. (Address is redacted for  
22 the record.) I'll read some of this and make it short.  
23 From a citizen's perspective, there is more than one way  
24 to rig an election or at least tilt the odds in favor of a  
25 specific outcome.

1           I believe that happened here in the case of the  
2 RTA election, and that I ask that my concerns be addressed  
3 and corrected.

4           The first way you could tilt an election is by  
5 holding special elections at times when low turnout is  
6 likely so that more of those citizens seeking a special,  
7 outcome will be a greater percentage of the total number  
8 of voters, as occurred with the RTA special election in  
9 May.

10           I would request those elections -- the solution  
11 be that all elections involving initiatives and other such  
12 issues -- so that in the interest of greater participation  
13 and more democracy and lower taxpayer costs -- that they  
14 all be included in general elections.

15           Number two, the purpose of this RTA special  
16 election was primarily to seek voter approval for the  
17 citizens to agree to tax themselves an additional one-half  
18 cent to afford transportation improvements.

19           The Indian nations also voted, but they did not  
20 have to pay the tax. I find that, to me, an illegality.  
21 Maybe I'm wrong. I would like to know who authorized  
22 including the Indian nations in the vote since they did  
23 not have to bear the burden of paying the tax, the  
24 casinos, themselves or any of their villages.

25           I'm not criticizing the Indian nations. I would

1 vote for something I would not have to pay for too, and  
2 they voted overwhelming in favor. According to the  
3 newspaper summary that I saw, they ran over 75 percent in  
4 favor.

5           So I would like to know also what would the  
6 outcome have been had the Indian nations' vote been  
7 excluded from the total tally, number one, and also I  
8 would like to know who said that, if it was determined it  
9 was legal to include the Indian nations -- since they did  
10 not have to bear the burden and basically had no reason to  
11 vote against it -- who said it was legal to do so, for the  
12 Indian nations to be included.

13           And I would also just add, in addition to that,  
14 just presenting such information to developers and  
15 builders and so forth that had a special interest in this  
16 and saying look, we have got a constituency here that will  
17 probably vote overwhelmingly in favor, and we are holding  
18 it in May, when there will be low voter turnout, the odds  
19 are much better we will pass this, I think you'll be  
20 well-served by providing us the money to help promote the  
21 passage of this RTA, just like a leading presidential  
22 candidate usually gets more money in his efforts to seek  
23 election of the presidency.

24           So for those two reasons, I think we were denied  
25 a good election. I would like to have it looked at from

1 those perspectives. Thank you.

2 MR. MARCH: I've record my speech on a new  
3 device. According to the time on this, I spoke for 4  
4 minutes and 36 seconds. He's jumping the gun on the  
5 ringer. He can't even tabulate a stopwatch.

6 MR. NELSON: It's not a stopwatch. I'm just  
7 using my cell phone.

8 MR. MARCH: He just short-changed me on his  
9 ringer. I'm not making it up. I can show you the numbers  
10 and the file size.

11 MR. BRAKEY: We know it's accurate. It wasn't  
12 made by Diebold.

13 MR. NELSON: Let me tell you what, to all -- not  
14 just Mr. March -- let me go through these cards -- I've  
15 got about four more for those individuals who have asked  
16 to speak -- and then, at that particular point in time,  
17 we'll see how much more time we have.

18 We have this room until 4:30 this afternoon, and  
19 there's the possibility -- though I'm not going to say so  
20 at this particular point in time -- for additional  
21 comments perhaps to be made. Does that sound adequate?

22 MR. MARCH: Okay.

23 MR. NELSON: Number eight is Mr. Bill Risner,  
24 please.

25 MR. MOFFITT: Jim, I'll use my stopwatch also.

1           MR. RISNER: Good afternoon. My name is Bill  
2 Risner. (Address is redacted for the record). I'm a  
3 lawyer in Tucson. I'm appearing for myself, not for a  
4 client.

5           I think, if I've got the years right, 36 years  
6 ago I first represented the Democratic Party of Pima  
7 County in a lawsuit for redistricting against the City of  
8 Tucson and have represented them over the years.

9           I've been special counsel to the Pima County  
10 Board of Supervisors on election matters. I've been  
11 special counsel for the Pima County Recorder's Office on  
12 an election matter.

13           And I find it somewhat interesting that this  
14 plan was put together without consultation with the  
15 Democratic Party that has been so involved and in fact is  
16 cited in the study as having, in particular, been involved  
17 with election integrity issues. But the plan was put  
18 together, without the involvement of the party, and  
19 hearings set at the same time that we have, under  
20 advisement, a lawsuit that hopefully will produce  
21 independent oversight, the abilities of political parties  
22 to check what is going on with the election department,  
23 because that kind of independent check is really vital.

24           And there's one of the attachments here I find  
25 especially interesting because it seems to feature me.

1 There's a memo by John Moffitt that contains matters that  
2 simply aren't true. Mr. Moffitt has invented, out of  
3 whole cloth, conversations that he says have occurred.

4 He says that he repeatedly told Risner, if he  
5 had allegations of impropriety, that he would gladly place  
6 him directly in touch with Chuck Huckelberry.

7 That's absolutely false. I was in court filing  
8 pleadings saying, in writing, that we had patterns of  
9 impropriety. Never was there such a conversation,  
10 Mr. Moffitt or Dr. Moffitt. This simply isn't true. I  
11 have no idea why you would write that. The conversation  
12 that you allege I had, with Karen Friar, is misstated.

13 During the years that I represented the  
14 Democratic Party perhaps I was under a bit of a cloud. I  
15 know, when Mr. Nelson was first hired, I actually defended  
16 him in conversations and would tell people that I think  
17 this guy is doing a good job, until I had lunch with Brad  
18 Nelson, Dr. Tom Ryan and I.

19 We were there representing the interests of the  
20 Democratic Party to try to get some test to see if the  
21 early ballots could be audited so we could confirm the  
22 accuracy of those early ballots.

23 And Mr. Nelson told us he didn't think that you  
24 could get a subtotal, that he believed that you had to  
25 wait until you counted all the early ballots, but that he

1 would check with his technical staff.

2           And Mr. Nelson reported back to us later that  
3 his technical staff said the software didn't support that,  
4 and that wasn't true. I don't know if his staff lied to  
5 him, but we've later received evidence, under oath, from  
6 other staff members, that Mr. Nelson was getting summary  
7 reports, which are unofficial tallies printed. The very  
8 thing he said couldn't be done, Mr. Nelson had received  
9 those prior to our lunch meeting.

10           So I am personally disturbed that the elections  
11 director would have lied to two people there, representing  
12 the largest political party in Pima County, consulting  
13 with him on a friendly basis concerning an important issue  
14 of election integrity.

15           I, of course, have since learned that Mr. Nelson  
16 is a poor manager. I have since learned, when he became  
17 under oath, that he purports to have only rudimental  
18 technological knowledge, and I think it's important we  
19 have an elections manager, given our computer system, that  
20 has the technological curiosity and the ability to  
21 understand the system and make sure that it operates  
22 properly. And it is absolutely important that we have  
23 someone as honest and that he be supervised and checked by  
24 people that are honest. We need a honest system and we  
25 need a competent system that's well-managed. Thank you.

1           MR. NELSON: My next is Gigi Nitka. Am I saying  
2 that correctly?

3           MS. NITKA: Yes. I'm Gigi Nitka. (Address is  
4 redacted for the record.) I'm not a lawyer and I'm not a  
5 computer expert.

6           I've been minorly involved in the election  
7 integrity activism, and I don't pretend to know exactly  
8 what goes on in these voting machines; however, I do trust  
9 heroes, some of whom are in this room, Mr. Brakey,  
10 Mr. Risner, Mr. Ryan, Ms. Spangler, Mr. March, and I do  
11 have a very good sense that they have a good deal of  
12 integrity and they care about our process, our democratic  
13 process.

14           Since the first stolen presidential election,  
15 they passed the Help America Vote Act. That's done  
16 nothing but confuse the issue, mandated the states to buy  
17 voting machines that are totally hackable, the GEMS  
18 system, trash, and then we have these kind of lawsuits  
19 with hoo-haw about who is responsible, who said what, when  
20 they said it, why it happened.

21           This kind of tome is not going to baffle us.  
22 Okay. And I think we need to get rid of the GEMS  
23 software, but there should be people, like these people,  
24 who have worked hard for our society.

25           We should -- the state should have rejected that

1 act and any means that was available. Now we are  
2 wrangling over the RTA, but I have doubts about Mayor  
3 Walkup's second term. I have doubts about John Kromko's  
4 defeat as justice of the peace.

5 Please protect free elections -- this is your  
6 job as a public official -- before we slide into a fascist  
7 state. This looks like it could have been stolen from  
8 Mr. Huxley's Brave New World, The Information Technology  
9 and Innovation Foundation. Lovely.

10 MR. NELSON: Thank you. Lisa Markkula, am I  
11 pronouncing that correctly?

12 MS. MARKKULA: Markkula. My name is Lisa  
13 Markkula. (Address is redacted for the record.) I am the  
14 executive director of the Pima County Democratic Party.

15 I just wanted to let you know that we will be  
16 filing a formal response to this proposal, but today I  
17 just wanted to say a couple things briefly.

18 This report indicates to me that the county's  
19 focus is still headed in the wrong direction.  
20 Professionalizing an election is not the same thing as  
21 making the process secret.

22 The ballot is secret, but the process needs to  
23 be open. The process of counting the votes needs to be  
24 open. Having a window where the public can gaze upon the  
25 internal workings of a computer that is never checked,

1 where the record of the vote is never checked, where we  
2 have no access to knowing what went on inside the box is  
3 not a transparent system.

4           Throwing more money at elections software or  
5 elections machines that are no better than the ones we  
6 have now is also not an improvement.

7           So having a nonpartisan agency or nonpartisan  
8 professionals or an outside vendor or taking a one-guy  
9 system and making it a two-guy system or even a four-guy  
10 system will never take the place of public oversight of  
11 elections.

12           When our founding fathers set up this country,  
13 they had great hope that we would succeed, but it wasn't  
14 based on some sort of naive belief in the ultimate  
15 goodness of every human being.

16           They had a deep suspicion of what people would  
17 do to acquire power, and they set up checks and balances.  
18 And in Arizona, those checks and balances are reflected,  
19 in the election system, by the role of the political  
20 parties.

21           And I think, in setting up such a system, our  
22 legislature got it right. There is no better guarantor of  
23 secure and transparent elections than the active  
24 participation of partisans, people who care, people who  
25 care on different sides of an issue. So that they are

1 each looking to see that the other guy isn't doing  
2 something wrong.

3 And to in any way try and move forward and  
4 continue blocking access of the political parties to any  
5 part of the process, of counting or casting votes, is an  
6 error. It's wrong. It's going away from what the law  
7 mandates in this state, and it's going away from what time  
8 has proven to be really the best system that we can come  
9 up with.

10 So I just wanted to provide that overview or  
11 philosophical, if you will, response to the report, which  
12 we can go into great detail and we will in our written  
13 response, but that's what I wanted to focus on today.

14 MR. NELSON: Thank you for your contribution.  
15 Andrea Kennedy, welcome.

16 MS. KENNEDY: Hi, my name is Andrea Kennedy.  
17 (Address is redacted for the record). The other people  
18 here have spoken to the technical aspects of the big  
19 picture, with more expertise than I can, but I do want to  
20 say that, in terms of protecting the vote, I'm going back  
21 in my mind to the trial that was recently held and there  
22 was concern that a release of the data base would allow  
23 misuse of it by hackers and people with malicious motives.

24 I remember being struck by the emphasis, in the  
25 trial, on how the machine that counts the votes is

1 isolated, not only physically from people and has cameras,  
2 but it's also isolated electronically in that you can't  
3 hack into this from the outside. Having said that, I want  
4 to emphasize that I think we have nothing to fear from  
5 transparency and openness.

6 Now from my perspective, I wanted to say I  
7 wanted to address this from my end, which I'm more  
8 familiar with, which is as a poll worker.

9 And my thought is to help the election process,  
10 from that end, it would really be a good idea, A, to pay  
11 people, who go to work the polls, more money. I know they  
12 have gotten raises. I know the usual. You say pay more  
13 money and immediately you hear we don't know where we're  
14 going to get it, but that's a problem that can be solved  
15 if you think it's important enough.

16 What occurred to me is if we could pay them  
17 enough to compete with a salary that people are making in  
18 a day, by people who work, there might be an incentive for  
19 more people to sign up to be poll workers, if they knew  
20 they were going to get paid just about what they are paid  
21 for going do work.

22 As everybody in here probably knows, most poll  
23 workers are people who work at home. They're retired.  
24 Their time is flexible. And many of them are elderly and  
25 infirm and yet regard their responsibility so highly that

1 they come anyway in spite of their infirmities.

2 My thought is, on the poll workers' end, to  
3 create some way that a group of very dedicated people, who  
4 would work for us during the elections and would have the  
5 strictest, most upright integrity at that end, would  
6 continue to come and work for us, and we'd have a reliable  
7 group of people.

8 We wouldn't be reteaching at every single time,  
9 as you saw is done, and to -- how do I put this -- to  
10 develop a kind of teaching and attitude about it in that  
11 this is like a job. It is very important.

12 Perhaps even go to businesses and propose here,  
13 would you volunteer? Would you come and work for us. Go  
14 into the high schools perhaps and interest the young  
15 people.

16 I would be glad to go and talk to students  
17 myself. But to somehow elevate the job so that, at that  
18 end, we would have a good group of people who would say  
19 I'm an architect during my regular job, but once every  
20 year, once every couple of years, I'm poll worker and I  
21 help in one of the most things of a democracy, and that's  
22 an election. That's my idea. Thank you.

23 MR. NELSON: My last card, at least at this  
24 time, is for Mr. Bruce Wheeler.

25 MR. WHEELER: My name is Bruce Wheeler. (Address

1 is redacted for the record.) I think it's very important  
2 for as many of us to speak out at this public hearing.  
3 That's why I'm here.

4 I'm not going to be lengthy because I think Bill  
5 Risner and others have very adequately represented my  
6 issues and my concerns. But as a citizen of this country,  
7 as a former legislator, former council member and as a  
8 present resident of Pima County Supervisory District  
9 Number 5, I want to contradict the last statement in this  
10 summary, put out by County Administrator Huckelberry,  
11 dated October 19th of this year. The last sentence of the  
12 summary states, "The elections division continues to be  
13 receptive to recommendations made by all interested  
14 parties in so much as they positively contribute to  
15 election security, election integrity, public trust,  
16 openness, transparency and accountability."

17 I cannot disagree more with that final  
18 statement. There are simply too many questions, doubts  
19 and weaknesses, in Pima County's elections devices,  
20 practices and management, for me, as a citizen, to feel  
21 comfortable that this procedure here in Pima County is  
22 indeed open and fair as it ought to be.

23 So I want to stand here, with my colleagues that  
24 are in this room, in total support of the efforts of Pima  
25 County Democratic Party, Bill Risner and the organizations

1 that are supporting this lawsuit and speak out strongly  
2 against the practices, management and insecurity of the  
3 Pima County elections system. Thank you.

4 MR. NELSON: Thank you, Mr. Wheeler. I beg your  
5 pardon. If I've missed you, you are next up. Please come  
6 up. I probably lost it in the shuffle. Arlene Leaf.  
7 Please, I beg your pardon.

8 MS.LEAF: It's quite okay. This is my first time  
9 speaking publicly. Many people -- I have been involved in  
10 this issue since the 2004 election, when I was shocked at  
11 the way the election came down.

12 I was so naive that, in 2000, I didn't even  
13 think that anybody could steal an election. I was that  
14 naive. I had that much faith in my country. Then I  
15 started paying attention, and when I saw what happened in  
16 2004 -- and I was bummed out because I have met so many  
17 people, and to me -- I have a business. I am on the  
18 street.

19 I meet many, many people, and the mood of  
20 everything was not for the election to support the  
21 administration that was creating such havoc in the world.

22 So I started going to meetings and talking to  
23 people. And all of a sudden, election, election, and I  
24 saw that that issue is the only issue. Health care is not  
25 an issue. Social security is not an issue. Economics is

1 not an issue.

2 If we, as an American democracy, do not have a  
3 vote that we can trust, then we are just playing a game.  
4 I'd like to think -- I'd like to believe in my country.  
5 The people that are here today I've been involved with for  
6 the past three years. I have never met a finer group of  
7 people with pure intention and high integrity. They are  
8 not doing this for personal glory. They're doing it  
9 because they love their country.

10 We are in a new century, and when I think about  
11 it, I wonder if elections have ever been 100 percent  
12 copacetic as long as we've been a nation. But now we are  
13 in the 21st century.

14 We have the ability to create a country or to  
15 create our America to be the way we want it to be. We  
16 love our country. We have that ability and technology is  
17 part of that ability, but with it is going to come the  
18 work of citizens, citizen oversight and checks and  
19 balances that have to be put into the system now. We  
20 can't wait any longer.

21 I think what I wanted to contribute to the new  
22 way of looking at things, my voice, would be I would love  
23 to see voting on Saturday or Sunday, not on a workday.

24 As a person who owns a business, I know there is  
25 always -- like my staff, it's hard for them to go vote.

1 I'm always encouraging them to vote and it's hard for them  
2 to vote. I had the good fortune of being in Bolivia two  
3 summers ago for one of their elections. The whole country  
4 shut down. You couldn't even open a store, you could not  
5 hire a taxi. You could not do a thing. Everybody went to  
6 vote. And for me seeing that, I found it thrilling.

7 I don't think our economy can support that, but  
8 I think, if we had a weekend voting day, that we could get  
9 that different poll worker that Andrea, I think, was  
10 talking about, the student or the business person that's  
11 free on the weekends, that could be committed to this  
12 process because the process is going to take new rules  
13 inside, new staffing inside and also an active citizenry,  
14 and then we can move ahead and have the country that we  
15 want. Thank you.

16 MR. NELSON: Both Andrea and Arlene brought up a  
17 subject that's similar, and I think Donna even mentioned  
18 it.

19 There's been recent legislation. It's not  
20 brand, brand new, but recent legislation that does allow  
21 youths to work as poll workers.

22 Youths are, in case perhaps you know somebody  
23 who may be interested in this, 16, 17 and of course  
24 including 18 years of age. They must have their parent's  
25 or guardian's permission. They must be trained. They

1 must work with poll workers who have been trained as well.  
2 They will be compensated the same as a poll worker is.

3           So there is the availability, if you will allow  
4 me the term, for youths to now work at the polling places.  
5 I'm hoping that we have a groundswell. We are planning on  
6 doing outreach within the various school districts here in  
7 town.

8           When I contacted the superintendents, they  
9 haven't been too thrilled just as yet because they weren't  
10 sure how that was going to count against their attendance.  
11 Within the statute, there is the ability that, if an  
12 individual does leave school with the parent's or  
13 guardian's permission, it will not be counted as an  
14 absence against the school system, as far as its funding  
15 is concerned, as best as I can explain the legislation.

16           Forgive me for overlooking your card. Is there  
17 anyone else who has signed up that perhaps I did not  
18 mention the name or get the card for?

19           Mr. Love, you were my first speaker. Mr. March  
20 has mentioned that perhaps my timepiece wasn't as accurate  
21 as it needs to be. Do you feel the need to come up and  
22 add to your comments. If so, Jim, how much was I off on  
23 you?

24           MR. MARCH: As near as I can tell, about the 30-  
25 to 40-second range, somewhere in there.

1           MR. NELSON: I'll allow everybody a minute, if  
2 they choose to, and the includes anybody who has not yet  
3 spoken, if they choose to, and I'll go through the cards.  
4 Ben, you were number one. Do you wish to add to your  
5 comments?

6           MR. LOVE: Yes, sir. I would like to  
7 acknowledge Mr. Ray Carroll, a member of the Board of  
8 Supervisors. I want to thank him personally for being  
9 here.

10          MR. CARROLL: I would have been here sooner but  
11 our board just released at about 3:30. So I apologize for  
12 that.

13          MR. LOVE: Just in closing -- I left those out.  
14 I'm proposing that we do away with our mistakes instead of  
15 keep digging the hole deeper.

16           I'm saying that we can count these votes, until  
17 something comes up that's a suitable machine that aids us.  
18 Counting it, we become part of the democratic process this  
19 great nation was founded on.

20           I think the idea that was brought out, by Donna,  
21 about doing precincts, counting in the precincts  
22 themselves. Okay. You say, oh, Ben, there's too big of a  
23 city here for us to count. Impossible.

24           Well, gee, another way of looking at it is look  
25 at the number of people we have got to count. We have got

1 a lot more than they have down in another city.

2 So we're throwing good money after bad. I hope  
3 our voices will be heard sometime, and I, for one, will  
4 keep adding my voice every chance I get to try to change  
5 and get rid of electronics because I know they can be  
6 hacked forever. We can get new electronics system and  
7 they'll be hacked. I'm an old ECM man, and I know what  
8 I'm talking about.

9 MR. NELSON: Jim, would you care for another  
10 minute?

11 MR. MARCH: Yes.

12 MR. NELSON: You can probably tell me when your  
13 minute is up better than I can.

14 MR. MARCH: Look, I really will keep this short.  
15 Let me go into a little bit of details on what an auditing  
16 process might look like.

17 Scanning central tabulator ballots with a  
18 commercial scanners, I did a little price check, and for  
19 about fifteen grand, you can get a duplex scanner that can  
20 handle mono 200-by-200 graphics at about 100 to 120 pages  
21 per minute. That's a fifteen grand device.

22 Your computer that drives that is worth maybe  
23 five to eight hundred bucks. Now a bank of maybe three to  
24 five of them -- and we'd have to work out raw numbers --  
25 would handle the entire mail-in vote.

1           If we're going to bring precinct votes back to  
2 the central count area and run them through the same  
3 scanners, figure maybe adding another couple.

4           Now we're talking under a hundred grand, maybe a  
5 hundred twenty tops, for a bank of scanners to handle the  
6 votes. It sounds like a lot of money but it's a small  
7 fraction of the cost of replacing the entire Diebold gear  
8 with somebody else's equipment.

9           So when I say adding auditing will cost less  
10 than swapping out all of the system, that's the kind of  
11 numbers I'm talking about roughly.

12           MR. NELSON: Thank you, sir. Mr. Hayes, do you  
13 want another minute?

14           MR. HAYES: Well, sure. Sorry. Again I'm sort  
15 of all over the place. Again I just dislike having to do  
16 this to you, but I was just completely taken aback, at the  
17 trial, when you made the statement that technology is not  
18 my purview.

19           I cannot understand how someone can oversee an  
20 elections department, a modern elections department, and  
21 not have that understanding.

22           I was also astounded to discover that  
23 Mr. Huckelberry had hired Mr. Barry to analyze the  
24 turnout, the potential turnout for the RTA election, and  
25 at the same time that he was working for the county, that

1 Mr. Barry was also an employee of the Yes Committee. I  
2 thought it was not allowed for a government agency to  
3 advocate for these bonds and these elections, and in fact,  
4 that's exactly what we had happening at very high pay.

5 One more thing, in regards to Mr. Huckelberry, I  
6 was taken aback by his comment in regards to working with  
7 the Democratic Party, with election security, that no good  
8 deed goes unpunished. That is absurd.

9 And finally he wants to cure this by eliminating  
10 the fact that there's a single person, at the computer,  
11 saying that a conspiracy of three is impossible. I wonder  
12 if Mr. Huckelberry has ever heard of Watergate.

13 MR. NELSON: Thank you, sir. Ms. Branch-Gilby,  
14 do you have anymore? This is going to be your final.  
15 You're not going to get another minute after this, folks.

16 MS. BRANCH-GILBY: I want to follow up on some  
17 comments that Mike made. During the course of the four  
18 days of trial, there were numerous pieces of evidence put  
19 forward to indicate a lack of strong management in the  
20 elections division.

21 And from my own personal experience of working  
22 and asking questions numerous times of Mr. Nelson, I found  
23 that either I was given misleading information, wrong  
24 dates or, as Mr. Risner shared, told oh, no, we can't do  
25 that, and in fact we could.

1                   However I also want to state that I find  
2 Mr. Nelson a very friendly person, cordial on most  
3 occasions, very approachable, and so when I think of Brad  
4 Nelson as the director of the elections division in Pima  
5 County, I make a parallel to the kind of requirements that  
6 it would take to fix my car, full of its electronic  
7 gizmos.

8                   Now I have a neighbor, who is a very nice guy,  
9 very cordial, very approachable, and he's interested in  
10 cars. But do I take my car to him to get fixed? No, I do  
11 not. I take it to a professional.

12                   I would like for us, in Pima County, for the  
13 voters here, to be able to do the same, to know our  
14 election is being run by someone who is prepared, trained  
15 and knowledgeable and ready to perform what is needed in a  
16 professionally-run election.

17                   MR. NELSON: Thank you. Mr. Brakey, a minute,  
18 if you choose.

19                   MR. BRAKEY: The only thing I'd like to add to  
20 this right here is that, this whole mess, I hope we are  
21 all going to be able to work together, Mr. Moffitt, and  
22 continue with the programs we talked about before this  
23 thing happened.

24                   I also encourage the youth getting involved  
25 because I think it's going to be a very important part.

1           Talking about optical scanners, you know you can  
2 buy a duplex small optical scanner, for about \$600, that  
3 would do both sides of the ballot. With a small laptop,  
4 all the ballots at the precinct and the ones sent by mail  
5 could be sent there, could be optical-scanned.

6           That can be done in about 20 per minute both  
7 sides. Let's say, for example, in about 30, 45 minutes,  
8 you could do 800 to 1,000 ballots.

9           I would encourage that these young people are  
10 paid a decent salary, and also, upon finishing four tours  
11 in an election, that they be given the laptop, and I hope  
12 that these would be deprived kids so we could get more  
13 computers out there to really help people to understand,  
14 and I think it's a lot less cost than spending \$10  
15 million.

16           I believe we need to keep the system we have,  
17 open the transparency up and then at night it would be  
18 very easy, if I choose to go ahead and download, or if I  
19 go into my precinct, say here's five dollars, I'll be back  
20 at 8 o'clock to pick up my CD because I want to look at  
21 the vote size in our precinct. Thank you.

22           MR. NELSON: Mr. Poston, if you'd like a minute,  
23 one is available for you.

24           MR. POSTON: There are a few points I'd like to  
25 touch on again. One thing I'd like to say is not only was

1 the RTA election a blow against democracy, it's the RTA  
2 itself that is antidemocratic, the way in which the  
3 so-called Citizen Transportation Advisory Council is  
4 appointed.

5           If something is regional government, we have no  
6 way of unelecting the people on that. If it's regional  
7 government, we should have a region-wide election in which  
8 we vote for the people who represent us on it, not have  
9 appointments from one city after another.

10           One aspect of it is that the City of Tucson  
11 contributes something like 80 percent of the money that's  
12 going into this, yet we only have 1/8 of the  
13 representation, theoretical representation, because it's  
14 an appointed position.

15           Okay. What else? I'd like to say that it  
16 doesn't seem to me that it's a Herculean task to come up  
17 with a computerized voting system that's would be secure  
18 and transparent.

19           It's just that the Diebold and all the other  
20 voting machines that are out there, it's like defense  
21 contracting or medicine or something like that, you're  
22 paying 30 times what something is worth, and the people  
23 who sell these machines, the people who developed them, do  
24 not have the public interest in mind. They have private  
25 profit and power in mind when they sell these machines.

1 I know we could have somebody build machines  
2 from scratch that could do the job, that would be secure,  
3 if we didn't go through a whole lot of bureaucratic  
4 nonsense. Thank you.

5 MR. NELSON: Mr. Basye, do you want to make an  
6 additional comments?

7 MR. BASYE: Yes.

8 MR. NELSON: I had the feeling you were, of  
9 course, going to take it.

10 MR. BASYE: One thing I went to just part of one  
11 day of Mr. Risner's lawsuit and he was talking about  
12 opposition parties being able to have access to the  
13 machines and so forth.

14 Well, there does needs to be also opposition to  
15 parties to the initiatives and overrides and so forth.  
16 And that wouldn't be party affiliation.

17 It should be the parties that are pro and  
18 against those issues that would have access. I don't know  
19 if that compromises security or not, but certainly the  
20 parties aren't necessarily pro or con on specific issues.

21 The second thing you just mentioned about these  
22 polling places. My polling that I had in the past, on  
23 Tucson Boulevard just North of Grant, had one polling  
24 place in a church and right across the street is the  
25 Plumber and Pipefitters using that as their polling place,

1 and both them were practically empty every time I've been  
2 in there, with a half a dozen people sitting in there.  
3 Now maybe they need a little better pay, but I think we  
4 could reduce the number of polling places, that you get  
5 the suspicion, rightly or wrongly, that it's a little  
6 candy job for political hacks of both parties and it costs  
7 us money and also the additional buildings, I suppose we  
8 pay rent for those buildings. So I don't know -- we're  
9 having so few people in those facilities, like one or two  
10 people, when I've been in them, that we need to have so  
11 many polling places. We can combine them.

12 MR. NELSON: I want to give everybody a minute,  
13 and I appreciate everyone's comments. If we could stick  
14 with the plan, that would be appropriate. Mr. Risner, if  
15 you need another minute.

16 MR. RISNER: I was sitting down thinking about  
17 what I had talked to you about at that lunch. This was a  
18 time when half the ballots in Pima County -- there was no  
19 auditing. If the machine was wrong, then the count was  
20 wrong. There was no check. We had offered a simple  
21 proposal that would have helped to check that.

22 As an elections director, it would seem that,  
23 when the major political party in the county would offer a  
24 simple suggestion on how to check the accuracy of the  
25 machines, that would be something that an elections

1 director who have embraced.

2           And then I recall, after the RTA, a week later,  
3 when the Pima County Democratic chair was there with  
4 Mr. March, and all we asked was that you walk with him  
5 into an empty room and let him look at the cables to see  
6 what was connected to the computer. And you refused that  
7 simple requested.

8           Later, under oath, I asked you what was that  
9 based. Was that based on law? Was based on a rule? You  
10 said no, it was based on your personal opinion that it  
11 wasn't prudent. It wasn't prudent for the major political  
12 party to have an expert look and see what is connected to  
13 the main computer.

14           We need an election director that has good  
15 instincts in favor of making sure that the counts are  
16 accurate, in the favor of cooperating with political  
17 parties. Thank you.

18           MR. NELSON: Gigi, would you like to add  
19 something?

20           MS. NITKA: No. I'd just like to reiterate what  
21 all these people said. We need to unfix election  
22 machines. And if you can't do your job and you're not up  
23 to it, then we need to get something who is.

24           MR. NELSON: Thank you. Lisa, would you like to  
25 contribute some more.

1 MS. MARKKULA: I guess I would just like to say  
2 that supervision of the division of elections is not a job  
3 for the county administrator but a job for the Board of  
4 Supervisors by statute and by right and by common sense.  
5 And I would like to see the Board of Supervisors step up  
6 to this responsibility instead of what seems to be hiding  
7 behind the county administrator. Thank you.

8 MR. NELSON: Thank you. Andrea Kennedy,  
9 additional words? Arlene? This is your second public  
10 speaking.

11 MS. LEAF: I think this is a fantastic  
12 opportunity. I don't know anywhere else that the  
13 brilliance of the ideas that have been presented are  
14 available and just I hope you guys can listen and really  
15 create something we can all be proud of.

16 MR. NELSON: Mr. Wheeler, any additional words?

17 MR. WHEELER: No.

18 MR. NELSON: With that, I think we have  
19 concluded the meeting. We have this room until 4:30, but  
20 without any objections, I'm going to call an adjournment  
21 to this meeting. Thank you.

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COUNTY ELECTION SECURITY PLAN PUBLIC MEETING

12

DECEMBER 14, 2007, 2:00 p.m.

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JOYNER PUBLIC LIBRARY

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GREEN VALLEY, ARIZONA

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1           MR. NELSON: We have held three public meetings  
2 in this series, one in Oro Valley, one downtown at the  
3 Public Works Building and one at the Bear Canyon Library.  
4 This will be our last meeting in the public hearings for  
5 the Pima County Election Security Plan discussion.

6           Additionally individuals may provide comment  
7 on-line. The report you may have had an opportunity to  
8 pick up at the table, as you came in today, has been  
9 available for people to make comments there as well.

10           The last time I looked, there were approximately  
11 20 comments. Additionally I received some hard copies,  
12 letters, if you will, of people who mailed to my office  
13 comments about the plan as well.

14           The comments, wherever they come from, whether  
15 they be on-line, through meetings such as this or through  
16 the mail, will eventually go before the Board of  
17 Supervisors for their deliberation and perhaps, if you  
18 will, education.

19           Our very first meeting, as I mentioned, was  
20 within the Town of Oro Valley public library. Some of the  
21 gentlemen that appeared there asked me if I was going make  
22 a presentation.

23           The answer is no. I'm here to act as a  
24 facilitator for this meeting, so I will certainly answer  
25 any questions that you might have.

1           Also the elections administration industry, if  
2 you will, offers itself some terminology that isn't used  
3 in everyday parlance. So if there is a particular term  
4 that is used that you perhaps would need some definition  
5 for, I'm here to help you as well.

6           As I say, you have the ability to sign in, and  
7 individuals who choose to give their input have filled out  
8 a speaker's card. I'm going to take these in order. Thus  
9 far I'm not asking you to come up right now, but I have  
10 Andrea Dalesandro, Jim March and John Denker. Mr. Brakey  
11 did turn in a card, but since has said to put his card to  
12 the side.

13           If, at any time, during the presentation, you  
14 have not yet filled out a card but feel the need to do so,  
15 please run over to Isabel's table. She'll fill out a card  
16 and she'll bring it up to me.

17           You will have five minutes in which to speak.  
18 At the Public Works Facility, my watch did not have a  
19 secondhand. Mr. Moffitt, who is also here from the  
20 county's strategic services department.

21           MR. MOFFITT: Technology department. At any  
22 rate, he is going to give me the high sign when you have  
23 about a minute and that will let you know to begin to sum  
24 up.

25           You have five minutes per person, so you can't

1 cede the rest of your time to some other individual.  
2 There are individuals who have spoken at other of our  
3 meetings who are here in the audience as well. They are  
4 still welcome to speak for five minute even though they  
5 may have had five minutes at earlier meetings as well. Any  
6 questions before we begin?

7 DR. DOWNING: Brad, if we have questions for the  
8 election department, can you answer those in terms of  
9 reading the written material that's been distributed?

10 MR NELSON: I don't know if you heard Mr.  
11 Downing.

12 DR. DOWNING: Dr. Downing.

13 MR. NELSON: Dr. Downing has asked if there are  
14 questions about the election department, will I be able to  
15 answer them. I'll do the best I can.

16 MR. MARCH: If people, when they speak, could  
17 walk over to that chair at the front left corner so we can  
18 audio record.

19 MR. NELSON: We'll put you on the MP3 player.  
20 Also the fine lady doing the recording may ask you to  
21 speak up. I'm sorry. We do not have amplification  
22 available for you.

23 MR. MARCH: That puts you next to the court  
24 reporter as well. That's why I put the microphone near  
25 her.

1           MR. NELSON: Again I thank you all for being  
2 here, whether you choose to speak today or not. Without  
3 any further ado, Andrea Dalesandro, if you're ready to  
4 speak, you may.

5           MS. DALESANDRO: Hello. My name is Andrea  
6 Dalesandro and I'm a resident of Green Valley -- Sahuarita  
7 actually.

8           During the last election, I did participate in  
9 several activities. The first I want to talk about was  
10 the -- I spent a full day at elections office, in October  
11 2006, observing the opening of early ballots after they  
12 came from the recorder's office, after the signatures were  
13 checked.

14           And I just want to compliment the boards because  
15 they made sure every vote counted regardless of the  
16 condition the ballot came in.

17           Some of them were greasy, some of them were  
18 ripped, some of them were marked with marker, and the  
19 two-member boards -- there were four to six, in my  
20 observations, when I was there -- they performed really  
21 admirably, and I complimented them during my stay.

22           They really did their best to make sure every  
23 vote counted. Some of the ballots that came in weren't  
24 ballots. They were the sample ballots. The Democrat and  
25 Republican worked cooperatively to get every vote counted.

1 That was the good stuff.

2           And then the bad stuff was when I went home and  
3 I went to make my report on my observations. I couldn't  
4 sleep at night because I was really concern about lack of  
5 security and the poor lock on the door in the cage where  
6 the boxes were with completed ballots. They were in  
7 batches of eight hundred to a thousand. And I kind of had  
8 some nightmares. But last week, during the trial, I did  
9 hear comments that seals were now put on the boxes, a  
10 better lock is on the door, plus when the boxes leave,  
11 there is added security. And I guess the grade, in that  
12 area, went from F to passing, but I'm hoping to hear  
13 someone's report at our next election.

14           My second participation and recommendation is in  
15 the audit -- in the area of the audit after the election.  
16 I counted ballots in both the primary and general  
17 election.

18           The primary was kind of a dry run, and we didn't  
19 select enough precincts and enough races, but we learned  
20 from that process, and I'm glad we had the opportunity as  
21 Libertarians to do that.

22           For next time, I strongly recommend a firm chain  
23 of command. Once the leaders of the party randomly select  
24 the precincts, I want to make sure that the sheriff or  
25 someone in authority can guarantee that those bags are

1 secure and not tampered with.

2           The third thing I'd like to talk about is I  
3 would like better training for poll workers, especially  
4 new poll workers. I also want to encourage recruitment of  
5 high school students who are now eligible to become poll  
6 workers because, if we get them young, we should have them  
7 for a long time and it's a wonderful civic lesson. Thank  
8 you.

9           MR. NELSON: You didn't use your five minutes,  
10 and you did wonderfully. I thank you for your comments.  
11 Mr. March.

12           MR. MARCH: Folks, the main thing I'm here to  
13 do is introduce Mr. John Denker. I will in a moment. I  
14 want to start by saying that there's a fundamental issue  
15 involved in this department's handling of elections that  
16 goes towards their attitude towards their transparency,  
17 not any particular process, not any particular rule, but  
18 their general attitude.

19           I can illustrate this best by -- you can correct  
20 me if this has changed or not, maybe it has -- but we were  
21 told back around -- just after the RTA race, that the  
22 Democratic Party, as an organization, had no right to any  
23 sort of oversight privileges, in a nonpartisan race, the  
24 way they do in a partisan race.

25           In other words, at one point, Brad, you took the

1 position that nobody has oversight rights in a nonpartisan  
2 race because, in Arizona, the only people who have any  
3 kind of real oversight rights, under the law, are  
4 political parties.

5           So just to compare and contrast, in Maricopa  
6 County, it's the policy of that department, of that  
7 elections department, to allow party oversight in  
8 nonpartisan races because it's the only oversight  
9 available, even though that's not directly crafted into  
10 state law.

11           So when you look at the distinction made between  
12 those two agencies and how they view oversight, as a  
13 principle, you start to see where the breakdown has been  
14 happening here in Pima County.

15           I'll shut up about that for the moment and  
16 introduce Mr. John Denker. Now, Jesus Christ, look, this  
17 guy is a computer scientist, and I mean a serious computer  
18 scientist.

19           He started his own company back during college.  
20 He taught a course at Cal Tech called Designing with  
21 Microprocessors. We don't get much more high-end than  
22 that.

23           After retiring as an entrepreneur, he went to  
24 Cornell and he obtained a Ph.D. in atomic physics. He  
25 then joined AT&T Bell Laboratories and worked there for

1 many years, serving in roles including distinguished  
2 member of the technical staff, department head and  
3 division manager. His research interests include computer  
4 security, internet telephony and neuro networks.

5           One of the projects he did, at AT&A, was called  
6 MOTE, which did high security network. It used  
7 off-the-shelf hardware and open system software -- sorry  
8 -- open source software.

9           Every single line of the software was open to  
10 public review, and the MOTE computer systems were  
11 connected to the open public network, outside any  
12 firewall, so they're completely open to attack by anybody  
13 who has a mind to try it, and they work fine.

14           Everybody trusts them because they can look at  
15 the code and say yes, siree, that's done right. And you  
16 need to notice how diametrically this conflicts with the  
17 Diebold approach, which has secret software, bugs by the  
18 dozens, trusted by nobody, and the only people who know  
19 where the security flaws are are the insiders and not the  
20 people charged to protect it.

21           In 1986 to '87, he was the visiting professor at  
22 the Institute of Theoretical Physics at the university of  
23 California Santa Barbara.

24           He has served on the organizing committee of  
25 several major scientific conferences, holds numerous

1 patents, written over 50 research papers, and one book  
2 chapter and edited the book Neuro Networks for Computing.  
3 He has lectured widely, and we are going to get a good  
4 five minutes or more, I hope.

5 MR. BRAKEY: He can have my time.

6 MR. MARCH: Good. John is waiving his time. He  
7 wanted to add one more thing. He is well-known as a  
8 prankster and prototypical mad scientist.

9 Some of his exploits were actually featured in  
10 the films Real Genius and Age Seeking for Genius, as well  
11 as publications such as Time and I Triple E Spectrum.

12 Look, on a personal note, I guess it's now  
13 official that we have a civil war on our hands because we  
14 are pitting brother against brother. His name is John  
15 Denker and you know his brother, Tad Denker. You a got  
16 Denker. We got a Denker. We think ours is better. With  
17 no further ado.

18 MR. NELSON: If you'll state your name and  
19 address.

20 MR. DENKER: I'm John Denker. (Address is  
21 redacted for the record.) My address is right next-door to  
22 Tad's address. He is, in fact, my brother and my  
23 neighbor.

24 We collaborate on a lot of things and don't  
25 collaborate on some other things. And he doesn't talk to

1 me about his clients at all, ever, unless I'm brought in  
2 as a consultant, and that's different.

3 As to what I'm discussing today, I speak for  
4 myself and nobody else. The topic for today is free,  
5 fair, accurate and trustworthy elections.

6 Let's have a show of hands here how many people  
7 think it's a good idea to steal elections? How people  
8 think it's a good idea to have even the appearance of the  
9 possibility that an election could be stolen? I didn't  
10 think so.

11 So it seems we are all in agreement. The goal  
12 should be free, fair, open, transparent, trustworthy  
13 elections. I brought with me a sight gag here. This is  
14 Steve Freeman's book. The title asks, Was The 2004  
15 Presidential Election Stolen?

16 There is copious evidence that it was. There's  
17 no credible evidence that it wasn't. There's certainly no  
18 reason why anybody on earth should trust the results, the  
19 official results of that election.

20 It looks like about ten million votes got  
21 stolen, which is enough to flip the election in the  
22 electoral college and the popular vote and every other  
23 darn thing. Very detailed, very robust reasons why you  
24 should not trust the election. Two elections in a row  
25 that got stolen. Pima County library holds ten or twelve

1 copies of this. Most of them are not checked out at the  
2 moment. I suggest you go check them out and read them.  
3 It's a pretty good book, a little bit dry. It helps if  
4 you have a colored head, but the evidence is there. It's  
5 not been refuted.

6 I've brought another site gag with me. This is  
7 the plan that was on the website. It says security plan  
8 right on it. Let me talk about process for a moment.

9 In my experience, things don't usually get  
10 decided at open meetings like this. Normally one has an  
11 open meeting to ratify consensus that's been reached with  
12 hours and days and months of behind-the-scenes work.

13 I know you were directed to have this, so don't  
14 take it personally. Since the behind-the-scenes work has  
15 not yet been done, it seems to me, in my judgment, this  
16 whole series of meetings is premature, to say the least.

17 I look forward to another set of meetings  
18 somewhere down the road where we can actually meet and  
19 ratify a consensus that's been reached.

20 In an analogy to what Churchill once said, this  
21 is not the end, this is not even the beginning of the end.  
22 This is not a finished plan. This is not even the  
23 beginning of a plan. This plan is not the answer. No one  
24 has even begun asking the right questions yet.

25 For starters, talking about a security plan is

1 not even the right question. You need a plan. You need a  
2 day-to-day operational plan that has security baked in  
3 every step of the way. It's like the straw in the  
4 biblical bricks. You do not make bricks without straw and  
5 then try to sprinkle straw on them later. That's just not  
6 how it works. It has to be baked in.

7 The point I'm trying to make is simple. If you  
8 think this is a security plan, it just proves you have no  
9 idea what a security plan should look like.

10 The fact the county would put this up on their  
11 website and call it a security plan is embarrassing and  
12 kind of scary.

13 One more show of hands. How many people  
14 understand the difference between secrecy and security? I  
15 was hoping for a few more hands than that. It's been over  
16 125 years. There is a tremendous difference between  
17 secrecy and security, and the county needs to figure that  
18 out.

19 There's a principle call the Kerckhoff's  
20 principle, after Professor Auguste Kerckhoff, who  
21 explained that for something to really be secure, you  
22 don't want secure methods.

23 Sure, the keys and the passwords have to be  
24 private, but you have to assume that the bad guys are  
25 going to get the methods. So you need a system that's

1 secure even when the bad guys know every detail of the  
2 methods.

3 As Jim said in the introduction, I've been  
4 there. I've built really high security things where every  
5 single line of the software and the firmware, everything  
6 else, was open for public inspection. It works fine.

7 One more thing to say about process. We don't  
8 have a plan. I don't even see how we have a plan to get a  
9 plan. As far as I can tell, there is nobody on the county  
10 payroll that understands the problem well enough.

11 So it seems we're all in agreement. The goals  
12 should be free, fair, accurate, trustworthy elections.  
13 The county needs to bring in somebody who has the  
14 expertise to draw up a complete plan for day-to-day  
15 operations, including, among other things, openness, baked  
16 in security and transparency in all operations.

17 MR. NELSON: Thank you, sir.

18 MR. DENKER: Let me state, for the record, that  
19 in addition to my spoken remarks, I'm turning in several  
20 pages of written remarks. They are on my website. If it  
21 does you any good, I can have the spoken remarks also. I  
22 gave John here -- you can also suck them off the website,  
23 including pictures of one picket fence.

24 THE COURT: Thank you, sir. Dr. and former  
25 state representative Ted Downing.

1 DR. DOWNING: I'll introduce myself. I'm Ted  
2 Downing, former state representative, District 28, Tucson,  
3 and the chair of the Arizona Democratic Party Elections  
4 Integrity Committee, faculty at the U of A, and worked  
5 with Brad Nelson and Karen Osborne on the writing of the  
6 hand-count audit bill, a successful collaboration at that  
7 point.

8 Couple of points I want to make. First one is  
9 the -- reemphasize the point made by Jim March, the need  
10 for nonpartisan elections. There is nothing that  
11 precludes the Pima County Board of Supervisors and the  
12 election department from preventing full inspection rights  
13 to all the political parties in nonpartisan races.

14 Why is that important? Because people's money  
15 is at stake. Across the State of Arizona, \$70 billion  
16 goes out to bond issues every year. The state budget is a  
17 little over \$10 billion. So we are looking at a seven  
18 times -- those elections in certain areas are permitted to  
19 be -- the parties have standing and not only that, third  
20 parties should have standing to be present, for one, to  
21 observe and completely watch the election.

22 There is nothing to prevent that as a policy  
23 change, at the level of the Board of Supervisors, and I'm  
24 certain it would instill a lot of confidence and trust in  
25 the election department itself if that policy change was

1 made forthwith. It may be made in a statute this time,  
2 but the move to quicken the statute would allow certainly  
3 the appearance of action on the part of the elections  
4 department.

5 Second, there's a problem -- there's an  
6 expression in Latin, and I'll have to spell this for the  
7 stenographer, Quis Custodiet Ipsos Custodes. It comes  
8 from Decimus Juvenal, who was an Roman emperor from 50 to  
9 130 a.d.

10 What does it mean? Who guards the guards. The  
11 critical question. Election security, protection of an  
12 election involves the reputation and the standing of  
13 election department itself.

14 There has to be some type of system instituted  
15 beyond the trusting that provides confidence that the  
16 people that are handling and moving and hopefully never  
17 manipulating, but working and counting the votes, those  
18 people are above reproach.

19 Certainly one thing that disturbs me is the fact  
20 that members of the election department have been alleged  
21 to make highly partisan remarks indicating their party  
22 preference or their feelings about elections or  
23 candidates.

24 That should be not only off-bounds but grounds  
25 for immediate dismissal, given the civil service --

1 subject to whatever hearing, but it should be the grounds  
2 for immediate dismissal from access to anything to do with  
3 the elections machinery. There's got to be other county  
4 jobs, working out repairing potholes or something around  
5 to keep them active on the payroll, but they shouldn't be  
6 anywhere near our votes once partisan comments are made.

7           There should be a code of conduct by the  
8 election department that says if anyone, in the election  
9 department, steps over two or three lines, including  
10 removal of data from the area -- that should never happen  
11 of course -- but the removal of data in the evening,  
12 hypothetically, to a place, that that -- or making  
13 partisan statements, we can make up a list, and I'm  
14 certain there are a lot of people who would help in both  
15 parties or in all parties -- excuse me -- to make up such  
16 a list of the code of conduct for the election employees.

17           There should be a statement of what represents a  
18 conflict of interest. There should be no taking of any  
19 funds, even \$10, which is the limit on state legislators,  
20 of any funds from any company that sells election  
21 equipment, not a hotel room, not any type of gratuity.

22           And we should make it very clear that the Pima  
23 County employees, in the elections department and the  
24 security people that oversee the election department, will  
25 take no types of gratuities or any kind of influence from

1 a vendor.

2 MR. BRAKEY: Ted, does that mean also that  
3 printing early election results would be illegal?

4 DR. DOWNING: Put your card in. You're cutting  
5 into my time.

6 MR. NELSON: You're approaching five minutes.

7 DR. DOWNING: And above all, we need to make  
8 certain that the people are prepared in the elections  
9 department.

10 I witnessed, in the RTA election, programming.  
11 Supposedly we were told this is programming going on. I  
12 witnessed an access manual being used by Brian Crane in  
13 the computer room. I was told later that he was  
14 programming some machines that were scanners.

15 Listen, work like that -- you have all year long  
16 to prepare writing a computer program. You shouldn't be  
17 writing a computer program after 7 o'clock when the votes  
18 are being counted.

19 That indicates inefficient administration on  
20 somebody's part, inefficient timing on the part of the  
21 computer program. Whatever it is, it shouldn't happen.  
22 Be ready for an election. Thank you.

23 MR. NELSON: Thank you, sir. We had a couple of  
24 speakers in a row. I would like to bring to people's  
25 attention attachment two of this plan, pages ten and 11,

1 talks about postelection audits, and although it may not  
2 answer specifically the issues brought up by some of the  
3 speakers, I'll draw your attention to the top of page 11,  
4 it says, state law does not provide for hand-counts/audits  
5 for county-wide nonpartisan elections nor does state law  
6 provide for political party observation of county-wide  
7 nonpartisan elections; however, Pima County intends to  
8 perform hand-count audits for county-wide nonpartisan  
9 elections in the future. The political parties and civic  
10 groups will be encourage to participate in and observe the  
11 process.

12 So I think we are going down the path that was  
13 just mentioned, but if individuals have other ideas along  
14 these lines or any others, we welcome those comments. I  
15 appreciate also Dr. Downing's code of conduct, the  
16 conflict of interest and his emphasis on be prepared ahead  
17 of time, not while it's going on. John, Mr. Brakey? To  
18 the side? Okay.

19 MR. MARCH: I have a ten-second thing literally.  
20 Pima County Democratic Party is working on a written  
21 submission the last I heard. It's not in yet but it's  
22 coming.

23 MR. NELSON: That's my understanding as well.  
24 Arnold Urken.

25 MR. URKEN: Thank you. I'm a new resident of

1 Green Valley, been here continuously, thank goodness,  
2 since August and enjoying it a lot.

3           And my background is a professor of political  
4 science. I've been involved in theory and practice of  
5 voting in elections, done work on secure electronic  
6 transactions, provided consulting in the State of New  
7 Jersey and also worked as a fact witness and a consultant  
8 in contested elections.

9           I can't say I've read this. I've been too busy  
10 unpacking boxes still, but one of the things that concerns  
11 me, from what I've read in the papers and what I have seen  
12 on the web, is that there seems to be an assumption that  
13 if things go wrong, they go wrong because people are  
14 malicious. But I think a more serious problem is that the  
15 standards for the systems themselves can allow inadvertent  
16 errors to occur that nobody ever notices, except perhaps  
17 some really smart malicious guys, who exploit those errors  
18 or make them happen, and therefore the rest of us are sort  
19 of left out of the game.

20           Now there is a way to deal with these problems  
21 through software engineering. I'm not aware that any  
22 state has very good standards for preventing those sorts  
23 of problems.

24           That's also related to my concern that if you're  
25 going to develop a plan or plan for a plan, you should

1 have a set of specifications what you expect the system to  
2 do.

3           It's not just a question of what trustworthy  
4 meant 50 years ago. We have a different world, different  
5 possibilities, different expectations, and I think we have  
6 to decide what we want to happen.

7           A lot of things seem impossible to do that  
8 people do anyway, as they did with things like Made or  
9 Trading in 2000 to try to express themselves.

10           We've got to think about what people want in an  
11 election, and how they want to express themselves and make  
12 the technology serve the social needs, rather than be  
13 constrained by the latest and greatest innovation that  
14 people are adopting commercially.

15           I think also that, along with the idea of  
16 creating a professional code, we ought to reconsider the  
17 issue of entrusting the government, as an monopoly, to  
18 collect our votes and processing them.

19           There are ways of doing it differently, in ways  
20 that make our votes as important as our money in the bank.  
21 We do a lot of electronic transactions with money. There  
22 are problems that occur, but the systems get better and  
23 the economy runs on it.

24           I think if people mishandle votes, they should  
25 be held accountable. There should be criminal as well as

1 civil penalties so that people take those roles seriously  
2 and so we don't suffer as a consequence. Thank you.

3 MS. DALESANDRO: Brad, may I add something?

4 MR. NELSON: About a minute, would you suggest?

5 MS. DALESANDRO: Andrea Dalesandro. I think  
6 it's clear that the vote by mail is going to increase. We  
7 are going to be put on, if we wish, automatic receiving of  
8 their vote by mail without requesting it. It will just  
9 come to us.

10 One of the other things that came up again in  
11 the observation of the opening of the early ballots.  
12 There are stacks. I believe there are at least a hundred  
13 for each precinct of blank ballots that the boards get to  
14 use when there's that dirty ballot -- some of them look  
15 like they were run over by a trucks. Some of them were  
16 marked with marker, which wouldn't work in the machine.

17 I think there needs to be an inventory, an  
18 independent inventory of how many blank ballots are used  
19 for each precinct, how many come in from the printer,  
20 unopened, and then the board would say how many they used  
21 and then someone else should be counting how many are  
22 left.

23 I believe there are about 400 precincts in Pima  
24 County, and there are, I believe, at least a hundred in  
25 each pile. I know I saw them in a caged area, so I think

1 that really is important.

2 MR. NELSON: To key off of that comment, what we  
3 are likely to do -- and when I say likely, it is not yet  
4 carved in stone -- and she's described it very well that,  
5 as ballots come in, usually through the early voting, what  
6 some people may call the mail ballot process, they've  
7 marked their ballot in such a way or folded it in such a  
8 way or it's gone through the U.S. mail in such a way that  
9 that ballot is no longer able to be read by the scanners,  
10 and then we use these hundred ballots, as she described,  
11 as a source of duplicates, with individuals there,  
12 Republicans and Democrats, making sure that the vote from  
13 this messed up ballot, if you will, with tire tracks over  
14 it, whatever, goes here.

15 We are planning -- we are hoping to go to ballot  
16 on demand. In other words, we have a printer there that  
17 will have a log that when you need a ballot for Precinct  
18 52, you print that ballot and that ballot only. And  
19 there's a log on who has done it, why, and things of that  
20 nature. That is still subject to approval. It is not a  
21 counting piece of equipment. I don't want to get anybody  
22 confused there. It is merely a way to produce duplicate  
23 ballots.

24 MR. MARCH: What vendor is producing that?

25 MR. NELSON: I think it's an Okidata printer,

1 but I believe Rumbeck Election Services out of Tempe,  
2 Arizona. I think they may have even had an installation  
3 in 2006 in Maricopa County.

4 MR. MARCH: We're going to need to see how the  
5 audit logs are built for that.

6 MR. NELSON: Absolutely.

7 MR. MARCH: Whether it's possible to audit them  
8 okay. I mean done right, it's an excellent tool for a  
9 good person. Done wrong, it's an excellent tool for the  
10 wrong person. So I'd have to audit that.

11 MR. NELSON: No, I think everybody is in  
12 agreement with that. One of my things is that if, in the  
13 printing of that duplicate ballot, the printer jams, did  
14 the log increment by one, even though it jammed and you  
15 can't use that ballot?

16 There are a lot of things, because I went up to  
17 see it demonstrated up in Tempe, and to tell you the  
18 truth, it didn't work to my satisfaction at that point in  
19 time.

20 That's why I want to say don't get your hopes up  
21 that this is coming, but we want to go to that type of  
22 thing to lessen the possibility of error or fraud.

23 MR. MARCH: I have one point I would make on the  
24 same issue now. I know that Diebold's ballot-printing  
25 operation, in Everett, Washington, has a 25 percent

1 spoilage rate. Now the printing industry's spoilage rate  
2 is between 6 and 8 percent, so we have long wondered, are  
3 there extra ballots coming out of that shop there are not  
4 being tracked.

5 In King County, Washington, in the governor's  
6 race, a lot of extra ballots kept turning up throughout  
7 three recounts. We have our suspicions about that. It  
8 has a shady past.

9 I'm not adverse to ballots on demand because the  
10 alternative being just as bad. The subject of where the  
11 paper comes from is very important. We not saying yeah or  
12 nay, but bring ballots on demand in here and if you try to  
13 keep us from looking at that, don't even think about it.

14 MR. NELSON: We are not going to unless there is  
15 a log of who is operating it, not just who in the group.

16 DR. DOWNING: In Mr. Huckelberry's letter, of  
17 October 19, 2007 -- this question actually may be for  
18 Dr. Moffitt -- this mentions that, while Pima County  
19 election security is among the best in the state, more can  
20 be done regarding election security.

21 Can I ask the people that prepared this letter  
22 as to which of the other election systems in other  
23 counties are weaker and by name? It says we are stronger.  
24 Which are the weaker?

25 MR. MOFFITT: I think you should ask your own

1 folks. I would say almost all of them. Ask John.

2 They're there.

3 DR. DOWNING: I just wondered if this was  
4 done -- some kind of study was done that we didn't know  
5 that, that I didn't know about as to comparing the  
6 strength of our system comparing it to other counties.

7 MR. MOFFITT: I went to a couple, but they went  
8 to an number of them, and we interchanged ideas and Brakey  
9 communicated those to me. That was the basis for that  
10 comment.

11 DR. DOWNING: I would concur that we do need  
12 better security systems than are in other counties.

13 MR. MURPHY: By starting with a unique paper  
14 stock, that can go a long ways towards -- and obviously  
15 there are a lot of other things that need to be built into  
16 it -- but if you have a unique paper stock, that can go a  
17 long ways.

18 DR. DOWNING: That was Leonard Murphy.

19 MR. MURPHY: You can go a long ways towards  
20 addressing that point.

21 MR. NELSON: Mr. Denker?

22 MR. DENKER: I think I'd like to follow-up on  
23 some of the points Mr. Brakey made. There are quite a  
24 number. There's a lot of things that can go wrong with  
25 the early balloting, mail in balloting, absentee

1 balloting, whatever you want to call it.

2           It's been argued these problems can be solved,  
3 but I'd like to point out that they haven't been solved.  
4 This whole thing should be considered experimental. I'd  
5 like to put it somewhere between the caution and stop  
6 sign. You want to go slow with that. This is years  
7 premature to be encouraging a large number of mail-in  
8 ballots. People are always talking about what can go  
9 wrong with polling places. I know things go wrong with  
10 polling places. There's a lot to be said for the good old  
11 red-blooded American polling place. This rush toward  
12 early ballots, mail-in ballots, is a huge mistake and it  
13 needs to be reversed.

14           MR. MOFFITT: One other thing that is being  
15 done, we had talked about addressing your concerned about  
16 counts, at kind of more detailed level, is that we are  
17 going to be tracking these ballots all the way from the  
18 recorder's, all the way through.

19           One of the things I put into the plan also was  
20 to cross check those early -- that stack of ballots as  
21 well. There will be a log of every time one gets used,  
22 and we have new ballots and they have a log and the old  
23 ballot is cross-referenced. Even if we have to print a new  
24 ballot, we still have to got a log and trail on what  
25 happened to the old ballot.

1 MS. DALESANDRO: I was satisfied by the way the  
2 board members were recording the ones they used. I was  
3 just concerned about open inventory and ending inventory.

4 MR. MOFFITT: That's part of this poll tracking,  
5 all the way through. The whole approach was balances and  
6 checks as we go through the whole system.

7 MR. MARCH: Use outside auditors.

8 MR. DENKER: Absolutely.

9 MR. NELSON: One moment please. Andrea?

10 MS. DALESANDRO: How many people have voted by  
11 mail here in Pima County? One of the things that people  
12 have often said to me is why they don't want to vote via  
13 the mail is they feel the secrecy of their ballots is  
14 compromised.

15 They have that sense of dropping it in the  
16 ballot box with the other ballots, and their envelope has  
17 their name on the outside.

18 MR. NELSON: Certainly this plan and the  
19 discussions we're having today are geared more towards my  
20 department, the elections department.

21 One of the things, if I may say so, I mean with  
22 the utmost respect for Andrea, I guess I would like  
23 another envelope be part of that packet so there is an  
24 envelope that is generic. So I mark my ballot, put that  
25 ballot inside of that envelope that's plain Jane and that

1 envelope then goes into the envelope that has my  
2 affidavit. Now that is inside that envelope with my name.

3 MS. DALESANDRO: I find myself in the unique  
4 situation of defending you. They are processing thousands  
5 of ballots. I didn't see anybody look at anything.

6 MR. NELSON: The way we did this in Colorado was  
7 that when we got that affidavit in the envelope with the  
8 ballot, we verified the signiture and then that envelope,  
9 with the ballot, got dropped into the ballot box; then we  
10 took it out of there and started opening them.

11 DR. DOWNING: Ted Downing. Again I think that's  
12 an interesting and useful idea primarily in areas with  
13 small voting population.

14 We have a problem in another part of the state  
15 where the city is so small that the person collecting the  
16 ballots, people bring them in and they know everybody's  
17 name and their party. They know their preferences. So  
18 there was a fear, in a report, which I think we had no  
19 evidence that happened, between the town and county seat,  
20 a window came open and some ballots flew out.

21 I asked for evidence and never got any, but  
22 certainly the idea was somebody collecting the ballots, in  
23 a small jurisdiction, could possibly know the names and  
24 identifies, the preferences of individuals. So having a  
25 third envelope certainly seems to be -- it's going to be

1 more expensive, but my last statement is this, the reason  
2 we are concerned about voting integrity is that, in the  
3 constitution, it says that a government derives their  
4 powers from the consent of the governed; the consent of  
5 the governed is expressed in the ballots. Anything that  
6 circumvents or injuries that intent is considered the most  
7 highest of high risk to our system of government.

8           This is why I'm pleased to see 20 people in the  
9 room right now. That's counting some staff, but it  
10 certainly indicates that election integrity has as high  
11 priority as defending our system of government overseas.  
12 Thank you.

13           MR. DENKER: A couple things. First of all, I  
14 want to jump up and down in the strongest terms with his  
15 assessment of the importance of this.

16           It just doesn't get any more important than  
17 this. A related point, some people were looking at the  
18 trial and saying, look, there's no wrongdoing here. No  
19 wrongdoing is no standard. The standard needs to be 42  
20 levels higher. No suspicion of the possibility of  
21 wrongdoing is the highest standard for professionalism.

22           Another remark about the problem of mailing in  
23 votes, early balloting, there's a chance of voter  
24 coercion. It's a smaller problem with the polling places;  
25 ten times larger with mail-in ballots because you could

1 gather up a bunch of people and made them do the ballots  
2 and put stamps on them and send them in.

3           There is a lot of things that can go wrong with  
4 early ballots. We understand there are some people  
5 overseas -- God bless them -- who use the mail-in ballots,  
6 but that should be kept to a minimum to people who  
7 absolutely need to use the mail-in ballots.

8           Anybody else, it would be better off at polling  
9 places. One more reason why. Exit polls, one way to  
10 achieve reliability -- you go to that credit union and the  
11 teller tallies her register at the beginning of the day  
12 and at the end of day. When you take money out, they  
13 count it twice in front of you. Having multiple counts of  
14 the same ballots, multiple counts of the same voters.  
15 That's how the election fraud was detected in the Ukraine.  
16 And anything that messes with the exit poll is one more  
17 weakness in this panoply of protections we have built up  
18 over the decades protecting our elections.

19           A large number of early ballots weakens exit  
20 polls and other protections. So early balloting weakens  
21 the overall process in more ways than I want to think  
22 about.

23           MR. BRAKEY: What I'd like to add is the mail-in  
24 ballots, when the ballots come in in one box with 400  
25 precincts in it, a vote by mail is hard to account for.

1 We're hoping that the county will go with the vote by mail  
2 and will sort out the ballots and maybe even send them to  
3 the precincts to be counted. There's better  
4 accountability and checks and balances.

5 MR. NELSON: Ladies and gentlemen, I'm going to  
6 assume, from your silence, that perhaps we are at the end  
7 of our discussions here; however, I don't want to cut  
8 anyone off, if somebody is in the middle of a thought  
9 process.

10 I want to say, in closing, perhaps that I want  
11 to thank you. As Dr. Downing and others in the room have  
12 said, we are here because we all want free, fair,  
13 transparent elections. How we get there is part of the  
14 purpose of this meeting, so that people can give input  
15 into the plan. I appreciate your participation.

16 As Mr. Urkin said, that before you have a plan,  
17 you need to decide what you want to happen and make your  
18 plan in order to have it do what you want it to do. So I  
19 think that, to put it succinctly perhaps, we need to  
20 determine what it is we need to do.

21 This plan is a living document and may not be in  
22 the greatest shape, but is going to be continually  
23 reviewed. It's never going to be done, as watching out  
24 for the integrity of elections is never going to be done.  
25 I appreciate your comments. I appreciate your time. If I

1 don't see you again, have a happy holiday.

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