



MEMORANDUM

Date: November 20, 2018

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

From: C.H. Huckelberry
County Administrator 

Re: **Mr. Bill Beard Special to the *Arizona Daily Star* Regarding Ballot Counting**

Recently, Mr. Bill Beard, in the attached *Special to the Arizona Daily Star*, discussed elections organization in various counties of Arizona. Out of 15 counties, two counties combine the voter registration and election functions. In thirteen counties, these functions are separated between a Recorder's Office that retains voter registration and Elections Department that conducts all other aspects associated with an election such as precinct design, ballot design, ballot printing, conducting the Election Day process and tabulating the results.

The Board of Supervisors has the power to organize the County and there is nothing in the Arizona Constitution that requires the Board to conduct elections through the Clerk of the Board. In fact, the Board made a distinct decision in 1993 to move the election process to the County Administrator after the Clerk failed to tabulate an entire precinct in the Town of Oro Valley in a final vote canvass.

In the four suggestions by Mr. Beard, the County already accomplishes the first two suggestions for clear guidelines for early ballots and separation of powers. Regarding the third suggestion regarding emergency voting centers, this is a decision for the Secretary of State and typically enumerated by an Elections Manual that, in Arizona, has not been updated since 2014. Regarding Mr. Beard's fourth suggestion, the best way to ensure quick finality to an election, conducting an all-mail election would solve this problem. However, counties in Arizona do not have the authority to conduct all-mail elections, unlike cities and towns. This authority must come from the Legislature.

I do not disagree with Mr. Beard's opinion; however, many of his suggestions are already implemented in Pima County, in particular the separation of powers. We have always had our elections process divided between and elected Recorder and the elected Board of Supervisors.

CHH/anc

Attachment

c: John Voorhees, Assistant County Administrator
Brad Nelson, Director, Elections Department
Chair and Members, Election Integrity Commission

https://tucson.com/opinion/local/bill-beard-ways-to-fix-slow-ballot-counting-in-arizona/article_057a5d37-8296-5d97-82bc-bbe1b0c65cf9.html

Bill Beard: 4 ways to fix slow ballot counting in Arizona

By Bill Beard Special to the Arizona Daily Star Nov 14, 2018 Updated Nov 14, 2018



Bill Beard

Civics 101: A self-governing society recognizes your right to vote and asks you to educate yourself about who you want representing you. Candidates will campaign. There will be an election, and the winner will govern. Transparency of the election process provides faith and integrity that the “winner” has in fact won fairly.

Elections are supposed to provide a finality to the candidates and the voters. This is called into question by the nature of our balloting process. We have extended the period for voting starting 29 days before Election Day.

Human nature being what it is, procrastination means that a huge chunk of those ballots come in at the last minute. A further complication is the voter that does not update their registration in a timely manner, resulting in voting a provisional ballot that must be verified in order to determine its legitimacy.

The problem Arizona seems to struggle with is the eagerness to provide ease of voting has run into the idea that tabulation of results is done in a timely manner.

The Arizona Constitution has checks and balances and a separation of powers system in place that divides the responsibility for voter registration and the tabulation of votes. County Recorders were authorized to register voters and with the advent of Early Voting the verification of signatures from mailed ballots. Each County Board of Supervisors is authorized to conduct the tabulation of ballots acting through the Clerk of the Board.

Further complicating matters is that in too many counties, those separations have been blurred by elected officials shirking their duties. Maricopa County has changed things with an Inter-Governmental Agreement (IGA) that shifts the control of the elections to

the County Recorder.

In Pima County, the Board has no control over elections at all, as the head of that department reports directly to the County Administrator.

While the counties have complicated matters, the Legislature has been loath to update election laws to clarify how counties maintain the separated duties. They have also been reluctant to keep the laws up to date due to changes in technology. New voting machines don't actually count ballots. The machines take an image of the ballot, stores the image and interprets the image to determine the results.

There is no law on the books governing how the image is processed nor stored. There is a legal opinion that preserves images the same way as the paper ballot but nothing debated or voted on by the Legislature.

Here are a few fixes to consider

1. Establish clear guidelines for handling and processing Early Ballots.
2. Restore the system of Separation of Powers in the counties.
3. Establish clear guidelines for when, where and how Emergency Voting Centers operate.

4. Provide finality to the process. The current mishmash of rules and laws allows the entire process to drag out for weeks.

There are many more each of us can suggest, but unless Arizona gets its election act together, the result will be a further erosion of faith in the winner, faith in the process and an undermining of self-government.

Bill Beard is a member of the Pima County Election Integrity Commission and a former chair of the Pima County Republican Party and ran for Pima County Recorder in 2012.

MORE INFORMATION



Sen. Jeff Flake vows to oppose judges unless Mueller bill gets a vote