



MEMORANDUM

Date: October 27, 2020

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

From: C.H. Huckelberry 
County Administrator

Re: **Law Enforcement at Early Voting Sites and Election Day Polls as well as Efforts to Avoid the Appearance of Voter Intimidation**

In most years, early voting, either by mail ballot or at early voting sites, has greatly increased voting turnout and voter convenience in Pima County, as state law provides and intends. This year, though, it has taken on an even greater importance due to the ongoing COVID-19 pandemic and the unfortunate political rhetoric that has created uncertainty in the minds of some voters about early ballot security and whether ballots sent via the mail will arrive safely or in time for tabulation.

Pima County Recorder F. Ann Rodriguez has developed an expansive plan to address both of these concerns. She has greatly expanded the number of early voting sites as compared to past elections, and added convenient ballot drop-off boxes, including curbside drop off, at numerous sites. These voting sites are staffed by temporary employees who are valiantly doing their civic duty during the pandemic to make sure our County has a safe and secure election.

Because of the pervasive negative rhetoric about early voting, many of these civic-minded individuals have expressed to the Recorder anxiety about their physical safety. Moreover, threats about "poll watching" and the deeply divided electorate this year raises a legitimate fear that incidents of voter harassment or intimidation may occur at these early voting sites. Out of an abundance of caution, the Recorder has contracted for off-duty Pima County Sheriff's Deputies and Tucson, Marana, Oro Valley and Sahuarita police officers to provide added security at the Recorder's early voting sites in their respective jurisdictions.

These off-duty officers have worked security without incident at all of the Recorder's early voting sites for the first two weeks of the General Election, which started Oct. 7. The officers provide peace-of-mind for the Recorder's employees and to a vast majority of the public.

Wednesday evening, the City of Tucson, at the direction of Mayor Regina Romero and other city officials, barred TPD officers from working these off-duty details. Because of the desire of the Recorder to continue these security services, I asked Pima County Sheriff Mark Napier for off-duty Sheriff's deputies to provide security at all early voting sites within the City of Tucson through the end of the early and emergency voting.

Honorable Chairman and Members, Pima County Board of Supervisors
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The reasoning for the change in attitude by the City is that they have received complaints about the presence of uniformed officers at early voting sites, stating their mere presence is intimidating to voters. I have discussed the issue raised with the Recorder and she believes her reasoning to protect both election workers and the public outweighs perceived intimidation by uniformed law enforcement officers. As the elected Recorder, she is free to conduct early voting in the manner she chooses.

I have also received telephone calls from organizations known as Voter Protection Corps Foundation and All Voting is Local expressing concerns about voter intimidation from uniformed police officers at early voting sites. I have now also received the attached October 24, 2020 letter from the Voter Protection Corps Foundation about policy at polling locations on Election Day. Presently, the Elections Director does not plan to have police present at our Election Day poll locations. We have 230 Election Day polls and only one location has requested police presence. There is also a difference between an early voting site available to all voters and an Election Day voting site that is limited to voters only in that voting precinct. The difference in the number of voters makes the probability for a disturbance in an early voting site greater than an Election Day site.

I have also discussed potential concerns over voter intimidation with the Sheriff and he understands those concerns and will make any off duty deputy at an early voting site as inconspicuous as possible but also available on a moment's notice. In a couple of cases already, because of the heavy use of these early voting sites, officers have had to provide traffic control and management.

I do not make light of nor dismiss the concerns of any voter who may feel intimidated by police officers at the early voting sites. I might agree if this were a normal election, but this is not a normal election given both COVID-19, including the requirement to wear masks, the pre-election rhetoric and the call for "poll watching."

CHH/anc

Attachment

c: The Honorable F. Ann Rodriguez, Pima County Recorder
The Honorable Mark Napier, Pima County Sheriff
Jan Leshar, Chief Deputy County Administrator
John Voorhees, Assistant County Administrator
Brad Nelson, Director, Pima County Elections



October 24, 2020

Via Electronic Mail

Mr. Chuck Huckelberry
Pima County Administrator
130 W. Congress Street
10th Floor
Tucson, AZ 85701

Re: Police Presence At Polling Locations On Election Day

Dear Mr. Huckelberry:

I write on behalf of the Voter Protection Corps Foundation, a member of a coalition of election protection organizations in Arizona, regarding the presence of police at polling locations in Pima County on Election Day, November 3, 2020.

As you may know, members of the Election Protection Arizona coalition have sent two letters to election officials in Pima County over the past two weeks regarding voter intimidation, including the presence of police at polling locations as a source of intimidation. In addition, Secretary of State Katie Hobbs published a guidance earlier this month concerning the avoidance and prevention of voter intimidation during this election. We wish to focus on eliminating voter intimidation arising from the presence of law enforcement and private security at polling places on Election Day.

It is our understanding that (a) the Board of Elections (the "Board") is the county department that is responsible for conducting all Election Day operations in Pima County, including managing or supervising the polling locations throughout the county; (b) the Board is aware of relatively few acts of voter intimidation during the early voting process, and certainly not enough instances of voter intimidation to warrant the presence of private security or law enforcement at the polls; (c) subject to certain limited exceptions, the Board will not be posting, stationing or otherwise assigning law enforcement or private security at or near polling places on Election Day; and (d) the exceptions that would warrant the presence of law enforcement or private security at one or more polling places on Election Day are limited to circumstances where, on or before Election Day, threats to the personal safety of voters or poll workers, such as when private individuals or groups armed with semi-automatic or other weapons stand at the

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polls, have occurred. In the event an exception arises, police would be present at the affected polling location(s) only and not at all polls.

If our understanding as described above is accurate, we hereby request that you confirm it in writing as a reply to this letter. If it is not accurate, please inform us in what ways it is not accurate.

If you have any questions or wish to discuss this matter, please contact me at [REDACTED] or [REDACTED].

Thank you in advance.

Very truly yours,

/Scott J. Nathan

Scott J. Nathan
Voter Protection Corps Foundation