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*Recording history one document at a time.*

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## MEMORANDUM

To: Members of the Pima County Board of Supervisors

From: F. Ann Rodriguez  
Pima County Recorder 

Date: September 3, 2020

Re: Early Voting Site-Pascua Yaqui Tribal lands

CC: Chuck Huckelberry

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The Pascua Yaqui tribe has requested that the Board of Supervisors open either a walk-in early voting site or an emergency voting site on Pascua Yaqui tribal lands on the southwest side of the Tucson metropolitan area. The tribe has made a number of significant misstatements in its request and I am sending this memo to set the record straight. A bit of background information is appropriate.

For a number of election cycles, my office operated a limited access walk-in voting site in the lobby of the tribe radio station located directly adjacent to the Casino of the Sun on South Camino de Oeste. At a full service walk-in voting site, we stock ballots for every precinct in Pima County. At a limited access site, we only stocked ballots for the precincts with voters who we think might vote at the site. Historically, I have operated only three limited access sites, the Pascua Yaqui site, a site in Ajo and one in Sells. The site in Ajo stocked ballots for the four westernmost precincts in Pima County. The site in Sells stocked ballots for those precincts that are within the Tohono O'odham nation boundaries. The limited use sites are not computer linked to the voter registration database for security reasons. Workers at the sites are provided with printed paper lists of potential voters and are required to confirm the registration based on the computer lists.

We had difficulty determining which ballots to supply to the Pascua Yaqui site. We requested assistance from the tribe in determining which precincts included tribal members so that we could have ballots on hand at the site for any tribal member in Pima County. The tribe did not provide that information. We were therefore required to use our internal collective knowledge as to possible precincts that might include tribal members. Based on our estimates, we provided ballots from precincts 006, 025, 036, 041, 047, 102, 110 and 203. Those precincts are located throughout the metropolitan area including as far north as the Marana/Rillito area. The site at the radio station was located in precinct 110 on the southwest side of the metropolitan area. A number of voters who we have identified as tribal members reside several miles from precinct 110.

The radio station offered no real security for the ballots. Our ballots were stored each night in a utility closet. The radio station site did not comply with the polling place requirements under the Americans with Disabilities Act. The lobby could not accommodate more than a couple of voting booths. For years we attempted to find a more secured, ADA compliant location for the walk-in voting site and we received no assistance from the tribe. We received limited assistance from the tribe in publicizing the early voting site. My staff prepared PSA announcements that were broadcast on the tribal radio station and we posted fliers in tribal offices to promote the site location. For some elections, the tribal members provided more publicity about the site than in other elections. During the 2016 General Election cycle, a total of 44 voters cast ballots at the Pascua Yaqui radio station walk-in voting site over a five day period. In earlier elections, the total votes cast at the site were even less than that.

During the 2016 election cycle, we allowed the walk-in site for the Tohono O'odham nation to travel to different district locations for a day or two at each location for the first week and then be located at Council Chambers in Sells for the second week. For the San Xavier district location, the site was located at the community center located near the mission. With the changes made after 2016, we could no longer accommodate a moving site for the Tohono O'odham nation. The security at the council chambers was also significantly lacking.

Following the 2016 election, a number of changes occurred. Election security issues became first and foremost a concern as a result of claims of interference from foreign governments. The Department of Homeland Security declared election facilities and election systems to be critical infrastructure. That required us to significantly reevaluate all of our facilities and early voting sites for both security issues and ADA compliance issues. We were required to significantly tighten computer network security to make certain we were not vulnerable to hacking or other malicious attacks.

One of the changes implemented was that instead of stocking walk-in sites with a large number of preprinted ballots, I decided to use Ballot on Demand printers connected to our computer system. The voter's ballot could then be printed instantly rather than stocking the sites with hundreds of unneeded printed ballots. This change significantly improved the security at the sites by reducing the number of paper ballots on hand and reduced overall costs of operating the sites. The Secretary of State's Office also settled litigation that dramatically changed voter status rules for individuals who do not provide proof of United States citizenship. Prior to that settlement, a voter was required to provide proof of citizenship by the voter registration cutoff date (29 days prior to Election Day) in order to change status from a voter allowed to vote for federal candidates only to a voter who could vote for state and local issues as well. The settlement changed the deadline to 5:00 p.m. on the Thursday prior to Election Day. That required us to have as many sites linked to the computer system as possible in order to properly issue the correct ballot to voters. Paper lists printed in advance of the deadline were no longer practicable except in very limited circumstances. All of these changes dictated that we change limited use sites to full service sites, if possible. The network security concerns required us to eliminate as many wireless data connections to the voter registration database as possible. We determined that one of the significant changes required was to move as many walk-in voting site facilities into government facilities as possible. Bringing them into county owned facilities allowed us to connect to the county network directly rather than relying on wireless network connections.

During 2020, I am operating only one limited use walk-in voting site and that is the site at the Ajo library. The facility is too small to accommodate a full service location or a Ballot on Demand printer. The library is the only site available in the Ajo area that meets the security and ADA access requirements.

My staff evaluated a number of possible facilities in the area of precinct 110 and we could not find a location that was acceptable. Pima County operates the Southwest Library in that area but the meeting room is far too small to accommodate a full service walk-in voting site. Other facilities were evaluated and were either not available or could not be used due to security or ADA access issues.

In 2018, we determined that the best, closest facility that would meet all security and ADA and additional space requirements was the meeting room at the Mission Library. That library is located approximately 7 miles from both the prior Yaqui radio station site and the San Xavier community center site. In their presentation, the tribe spokespeople claim it takes 2 hours to travel from Precinct 110 to the Mission Library site. However, the Mission Library is only a distance of 7 miles away from the prior site and is located at a major intersection. The two hour time period is apparently based on Sun Tran bus routes and schedules. I do not control bus routes. In prior elections, the Tohono O'odham tribal leaders have offered transportation services to the members of the Nation to bring them to the walk-in early voting site in Sells. Apparently the Yaqui tribe does not offer similar services.

When I made the change to use the Mission Library for the 2018, I stated the reason is we needed to make the change due to needing a larger more secured facilities. Originally, the tribal leadership believed that we were closing the Election Day polling site operated by the Elections Department rather than the early voting site. I made a presentation to the tribal council regarding the changes to make it clear it was only the early voting site. I again asked for assistance from the tribe in identifying precincts that included tribal members. No assistance was provided other than to request that an early voting site be located on "tribal lands."

During the 2018 general election, 242 voters cast their ballot at the Mission Library site. I have no ability to determine how many of those voters were members of the Pascua Yaqui tribe.

By letter dated November 6, 2019 the chair of the Yaqui Tribe requested that we set up a walk-in early voting site for the 2020 Presidential Preference Election, the August primary election and the 2020 General Election at the Council chambers. The state pays a flat rate per voter to reimburse the counties for the costs for the PPE and that rate barely covers costs. I have only used my office locations as walk-in voting sites during the PPE and I notified the Chair of that fact.

We evaluated the council chambers as a possible walk-in site and determined that multiple individuals who were not employees of this department would be able to access the room and equipment after hours. It would therefore not be sufficiently secured location to use as either an early voting or an emergency voting site location. Locating the facility at Council Chambers also does not provide tribal members who are registered in precincts other than 110 with closer access to an early/emergency voting site. This includes the voters in the Old Pascua area near Grant and I-10 or in the Yoeme Pueblo located near Rillito or any of the other precincts where tribal members reside. The tribe has not expressed concern for those tribal members given that their travel distance to the Council Chambers would actually be a much longer trip than to the Mission Library. Voters in the Old Pascua

area can actually vote early in person much closer at the early/emergency voting site at the Woods Library and the closest early/emergency voting site to Yoeme Pueblo is the Wheeler Taft Abbett library.

I offered to assist the tribe in conducting voter outreach and offered to allow tribal staff access to our computer system at the downtown office so they could research whether or not the members were registered voters in Pima County or voters who would like to receive an early ballot by mail. Since the tribal enrollment is propriety information, their staff would have to look for comparison of the tribal enrollment roll with the voter registration database in order to look for differences. Once this task was complete, they could send a letter to those tribal members who are not registered voters and encourage them to register to vote. I would provide voter registration forms that are postage paid to include in those letters. I could even track the responses once we received the completed voter form. The tribe declined the comparison and to date have not made any effort to check the registration status of their members in my office.

Shortly after these discussions, the COVID-19 pandemic erupted. Many government and tribal offices have closed to the public as a result and remain closed. To my knowledge, most of the tribal facilities remain closed to the public except for the Casinos. My offices have remained open to the public at all times. During the March Presidential Preference Election and the August Primary Election, I was required to develop plans to accommodate walk-in voters in an environment where they could safely cast their ballot and still protect my staff.

Twice I came before the board to discuss early voting and emergency voting at public hearings. At no time in either hearing, did the Pascua Yaqui tribe express any objections to the plan. The Mission Library will operate as a walk-in early voting site, a ballot drop off site and an emergency voting site. The site will be open for evening hours on Tuesday and Thursday and be open on Saturday and Monday for emergency voting.

Our plans for walk-in early voting during the primary election were severely restricted due to a lack of employees. Many of the site workers are intermittent election aides who are retirees. A significant number of my trained workers from prior elections declined to work during the pandemic as they were in the high risk group based on their age. The changes required to make the sites in compliance with CDC guidelines required that we increase the number of workers to provide adequate distancing and to comply with disinfecting guidelines while still maintaining security and customer service. In order to open a number of these early voting sites, I was required to shift permanent staff of my office and volunteer staff from other departments from their regular tasks to working at the walk-in sites. Despite the efforts of the volunteer transferees and staff, we were not at full staff at any of the walk-in sites or at the Ballot Processing Center. We are heavily recruiting replacement workers currently and as of this Monday we are still more than 60 workers short of what is needed for the upcoming general election.

The responsibility to determine the location and operation of walk-in early voting sites is placed solely on the County Recorder by statute. I do not make these decisions lightly and I do not make them arbitrarily. A site cannot be identified, evaluated, modified for security and ADA concerns, equipment purchased, tested and set up and the workers trained on short notice. The planning and preparation of what is required at a walk-in early voting or emergency voting site takes months. That is why I made

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the presentations to the board months in advance of the election. Ballots for UOCAVA voters will be mailed in 2 weeks. More than 450,000 ballots will be mailed to voters in Pima County in less than a month. We are far too late into the cycle to make a change now. The only site suggested by the Yaqui tribe does not meet security requirements. We cannot implement the changes needed to make a site at the Yaqui Council chambers or any other site sufficiently secure to meet the Homeland Security requirements at this late date.

Should you need any further information regarding this, please let me know.

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