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# MEMORANDUM

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Date: September 8, 2020

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

From: C.H. Huckelberry  
County Administrator 

Re: **Pascua Yaqui Tribe Request for Early Voting Site on the Pascua Yaqui Reservation**

At Call to the Public at the September 1, 2020 Board of Supervisors Meeting, you heard from the Pascua Yaqui Chairman and a Council Member requesting Board assistance in establishing an early voting site on the Pascua Yaqui Reservation.

As indicated in their discussion, the County Recorder had declined to provide such a site for a variety of reasons for some time. In fact, the Recorder issued a Press Release on this subject on September 1, 2020 (Attachment 1). I am also enclosing a more detailed report from the Recorder dated September 3, 2020 on this matter for your information. (Attachment 2)

The County Attorney has also reviewed this matter and has indicated that the purview to create an early voting site rests with the County Recorder based on current Arizona law.

The only action the Board could take on this matter would be to establish an emergency voting site where voting could begin after 5:00 pm the Friday before Election Day and continue through Monday, the day before the election. The appropriate statute is cited in Arizona Revised Statute (ARS) 16-411 (b) (5) that states:

“On a specific resolution of the board of supervisors that is limited to a specific election date and that is voted on by a recorded vote, the board may authorize the county recorder or other officer in charge of elections to use emergency voting centers as follows:

- a) The board shall specify in the resolution the location and the hours of operation of the emergency voting centers.

This simply means if the Board authorizes an emergency voting center at this location, it could be operated by the Elections Department as directed by the Board of Supervisors. However, in operating the emergency voting center, County staff, including Elections Department staff must have live access to the County Recorder’s Voter Registration Database to annotate when a voter appears needs to know which ballot by precinct should be issued to the voter and votes a ballot at the emergency voting center so the voter cannot access another ballot at another time. The Recorder is not required to provide this access

The Honorable Chairman and Members, Pima County Board of Supervisors  
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and has indicated serious security concerns if this access occurs outside her control. In addition a ballot on demand printer would also be needed and again if provided outside her control would be problematic.

Hence, even though the emergency voting is authorized by the Board and staffed by Elections Department personnel, it could not effectively operate as an emergency voting center without access to the Database.

It should also be noted that if an emergency voting center were operated on the Pascua Yaqui reservation, it would be open to all, including individuals who are not members of the Pascua Yaqui Tribe.

For your information, data has been developed indicating the actual Election Day voting site for the Pascua Yaqui Reservation as well as the votes cast in the 2016 and 2018 Elections and the actual voter registration. In Precinct 110, this data indicated the number of early votes cast in the Precinct in 2016 and 2018 as well as those ballots cast on Election Day. (Attachment 3) It is very likely that most, if not all, of the early ballots cast were through the US Mail process. Hence, reducing the need or justification for an early or emergency voting location as now requested.

CHH/anc

#### Attachments

c: The Honorable F. Ann Rodriguez, Pima County Recorder  
Andrew Flagg, Chief Civil Deputy County Attorney  
Brad Nelson, Director, Elections Department

# ATTACHMENT 1



## **Honorable F. Ann Rodriguez**

Pima County Recorder

240 N. Stone Ave., First Floor

Tucson, AZ 85701

**PHN:** (520) 724-4330    **FAX:** (520) 623-1785    **WEB:** <http://www.recorder.pima.gov>

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## **PRESS RELEASE**

**DATE: September 1, 2020**

**CONTACT: Mary Reynolds**

**Media Inquiries to (520) 724-4353**

**FOR IMMEDIATE RELEASE**

### **Recorder Statement on Pascua Yaqui Request for Early Voting Site**

The Pascua Yaqui tribe presented concerns about an early voting site on tribal lands today at the Board of Supervisors meeting. Recorder F. Ann Rodriguez has the following response:

Pima County Recorder F. Ann Rodriguez presented before the Pascua Yaqui Tribe in 2018, at one of their council meetings to advise them as to why there was no Early Voting Site, and that this would also be the plan for the 2020 Election. Ms. Rodriguez had two public hearings on this matter before the Board of Supervisors who do not approve Early Voting Sites. The Board of Supervisors approves Emergency Voting Sites and ballot drop off locations only. The Recorder is responsible for deciding where Early Voting Sites will be located.

Ms. Rodriguez offered some recommendations which the Pascua Yaqui leadership have not considered at this time.

1. The Pima County Recorder has no record of who is a member of the Pascua Yaqui Tribe – some live in metropolitan Tucson, unincorporated Pima County, Old Pascua in the Grant and Oracle area as well as in Yoeme Pueblo (Rillito) in Marana. They also have members who live in Maricopa County. Without the means to identify tribal members, the Recorder's Office is unable to target tribal voters and encourage voter participation.
2. Pascua Yaqui Tribe enrollment is proprietary information.
3. Due to the proprietary nature of the Pascua Yaqui registration data and the security issues of the voter database, The Recorder offered internal access to Pascua Yaqui staff. They could check voter registration for each member of the Pascua Yaqui Tribe. Pascua Yaqui leadership declined this offer.
4. If the tribal leadership had accepted the offer to check registrations, they could have sent mailers to those not registered to vote and encourage them to register to vote. The Recorder's office would provide the voter registration forms that would be mailed back to the Recorder with postage paid. If they wanted the Recorder to keep track of any response, the Recorder's office could have done this also.
5. There is still time to check voter registration as described above, as the voter registration cut off to be eligible for the General Election is not until Monday, October 5.

6. There are multiple voting opportunities for all voters in Pima County. Early Voting sites, mailed ballots as well as Election Day polling places are all options from October 7 through November 3, 2020.
7. The Mission Library is 7 miles away for the Pascua Yaqui Tribe main area, also known as New Pascua. The Mission Library also serves the Tohono O'odham San Xavier District which is 7 miles away. There is an early voting site serving the Tohono O'odham Nation in Sells. The T.O. Nation encompasses a large geographic area, so some voters must drive 63 miles (over one hour) to reach that site.
8. Regarding bus routes and timetables for the Pascua Yaqui: The Recorder's office has no control over any bus system for any jurisdiction. Instead of requiring Pascua Yaqui voters to take the bus, Pascua Yaqui leadership could provide transpiration for their membership by setting up a telephone number for ride requests to Mission Library Early Voting Site. This would be similar to Uber, but the Pascua Yaqui would provide and pay for the service.
9. The Recorder's office will produce radio spots for the Pascua Yaqui radio station about the voter registration deadline on October 5, 2020. The Recorder's office will post flyers or provide the flyers for Pascua Yaqui staff to post about the voter registration deadline.
10. The Recorder's office will produce radio spots for the Pascua Yaqui radio station about the Mission Road Library Early Voting Site. The Recorder's office will post flyers or provide the flyers for Pascua Yaqui staff to post about the Mission Library Early Voting Site including dates the site will be open for curbside drop-off of early ballots, early voting and emergency voting.
11. For tribal members who live in Old Pascua (Oracle/Grant area), the closest Early Voting Site is the Woods Library on First Avenue (3 miles), for Yoeme Pueblo in Marana, the closest Early Voting Site is the Wheeler Taft Abbett Library (12 miles).
12. At every Early Voting Site, security is the most important issue, including but not limited to secure ballot storage, location security, and secure IT infrastructure. Pima County Recorder F. Ann Rodriguez and her leadership team carefully consider many possible locations for Early Voting Sites before selecting the ones that meet strict criteria.
13. It is too late in the election year to make changes and be able to provide a secure voting site.

The Recorder's Office is proud of the outreach efforts that have contributed to some of the highest voter registration and voter participation numbers in the United States of America. During her 28 years of public service, Recorder Rodriguez has made it a priority to collaborate with all voter communities and vulnerable populations.

Regarding staffing issues, the Recorder's Office is currently recruiting staff for paid temporary positions at the Ballot Processing Center on Country Club and at Early Voting Sites. For people who would like to see democracy in action and want to find out more about this opportunity, please email [ballotpatrol@recorder.pima.gov](mailto:ballotpatrol@recorder.pima.gov).



# ATTACHMENT 2



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

**F. Ann Rodriguez**  
**Pima County Recorder**

County Public Service Center  
240 North Stone Avenue, 1<sup>st</sup> Floor  
Tucson, AZ  
*Recording history one document at a time.*

**Christopher J. Roads**  
Chief Deputy Recorder  
Registrar of Voters  
Document Recording: (520) 724-4350  
Voter Registration: (520) 724-4330  
Fax: (520) 623-1785  
[www.recorder.pima.gov](http://www.recorder.pima.gov)

## 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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# ATTACHMENT 3

1) Where is Election Day voting location on Pascua Yaqui reservation?

*Election Day polling places on Pascua Yaqui land*

- Precinct 110 – Pascua Yaqui Wellness Center, 5305 Calle Torim
- Precinct 45 – Pascua Neighborhood Center (Old Pascua), 785 W Sahuaro

2) If the Board designates an emergency voting center at their center -

a. Who would staff it?

*Given that Emergency Vote Centers are generally considered an extension of early voting, staffing has been the responsibility of the Recorder.*

b. If staffed by election workers and staff what do you need from the recorder? Voting rosters

*If an emergency vote center was staffed by Election Department workers, those workers would need real-time access to the countywide voter registration data base (for look up and entry) and a ballot on demand printer.*

c. What is the length of time it can be opened before the general election?

*Emergency Vote Centers may begin operation on October 21 and close at 5:00 PM on November 2..*

3) History of turnout on the Pascua Yaqui reservation

a. Early voting # of ballots/percent of registered voter in precinct

b. Election day # of ballots/percent of registered voters

2016 general

Precinct 45 Registered voters 1,611 # of early ballots 780 # poll ballots 269

Precinct 110 Registered voters 1,950 # of early ballots 422 # of poll ballots 552

2018 general

Precinct 45 Registered voters 1,624 # of early ballots 513 # poll ballots 168

Precinct 110 Registered voters 2,122 # of early ballots 181 # of poll ballots 161

2020 general

Precinct 110 Registered voters 2,232