MEMORANDUM

Date: April 28, 2014

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

From: C.H. Huckelberry
County Administrator

Re: **2014 Primary Election Bifurcated and Consolidated Elections and Possible Election Confusion**

Attached is an April 24, 2014 memorandum from the Elections Director highlighting two statutory changes that will impact the administration of the upcoming 2014 Primary Election.

The first change relates to consolidation of elections for political subdivisions (municipalities). This is the first year several municipal elections will be on the primary election ballot even though the elections are nonpartisan.

In addition, the Arizona Attorney General issued an opinion based on an inquiry from the Arizona Secretary of State. The opinion requires that voters who only register to vote with the Federal Voter Registration Form may only vote in federal contests.

Both of these actions create the potential for confusion at the polling places by substantially increasing the number of ballot variations within a polling place or geographic location. In the 2012 Primary Election, there were five ballot variations, and in the 2014 Primary Election, there are 10 to as many as 16 ballot variations in the precinct voting areas.

Our Elections Department will work closely with poll workers and others to educate them regarding these ballot variations.

CHH/anc

Attachment

c: Ellen Wheeler, Assistant County Administrator
Brad Nelson, Director, Elections Department

MEMORANDUM
ELECTIONS DEPARTMENT

April 24, 2014

To: C. H. Huckelberry
County Administrator

From: Brad R. Nelson
Election Director

Subject: Impact of new election law on August 26, 2014 Primary Election - Bifurcated Elections and Consolidated Elections

As the August 26, 2014, primary election draws near, it seems appropriate to highlight two recent changes in election law that will impact the administration of that election.

The first of two significant changes relates to the consolidation of elections for political subdivisions (municipalities). The fiftieth Arizona State Legislature passed a law (HB2826) in 2012 that takes effect this year. The gist of that law requires municipalities (save for some charter cities like the City of Tucson) to conduct their regularly scheduled elections on the same day as the statewide primary and general elections.

Given the new law, the Town of Oro Valley will be required to conduct its non-partisan election for Town Councilmembers on the same day Pima County conducts its partisan primary election. The Town and the County currently have an IGA for election services between the two jurisdictions. Though I am waiting for a formal request from the Town to include their election on our ballot, I feel it safe to assume that the Town will make such a request.

The second of two significant changes relates to a recent Arizona Attorney General opinion (I13-011) issued in response to an inquiry from the Arizona Secretary of State. The opinion relates to a decision in federal court (Arizona v. Inter-Tribal Council of Arizona Inc.) and the requirements under state law for evidence of citizenship when registering to vote in Arizona. The opinion from the Attorney General states that voters who register to vote by using a Federal Voter Registration Form and who do not provide the required State of Arizona evidence of citizenship are not registered to vote for State and local contests but must be allowed to vote for Federal contests. This divided or split system has become known as a bifurcated election.

The cumulative impact of the two changes is that there will more ballot variations in the 2014 primary than in past primary elections. In the 2012 primary election there were five ballot variations. One for each recognized party – Republican, Democratic, Libertarian, Green and Americans Elect. Given the noted AG opinion, precincts for the 2014 primary election will have partisan ballots that reflect Federal contests only (no State or local contests) for voters who registered via the Federal Form and who have not provided evidence of citizenship and partisan ballots that reflect Federal, State and local contests.

In summary, for the 2014 primary election all precincts will be issued partisan ballots for the recognized political parties. However, each party will have two distinct styles of ballots. One style will reflect only Federal contests and the other style all contests (Federal, State and local). Possible number of ballot variations: ten.

Election precincts that are completely in the corporate limits of the Town of Oro Valley will be issued partisan ballots in the two styles noted above: federal only and all contests including the Town's non-partisan contests. In addition to partisan ballots, the precincts in Oro Valley will also be supplied with ballots that reflect only the Town's non-partisan contests. These non-partisan ballots are for unaffiliated voters who want to vote exclusively in the Town election. Possible number of ballot variations: eleven.

Election precincts that are split by the Town of Oro Valley corporate limit will be issued partisan ballots in three styles; federal only, all contests excluding the Town's contests, and all contests including the Towns contests. In addition to partisan ballots, the split precincts in Oro Valley will also be supplied with ballots that reflect only the Town's non-partisan contests. These non-partisan ballots are for unaffiliated voters who want to vote exclusively in the Town election. There are eight precincts, out of sixteen, in Oro Valley that are split in this fashion. Possible number of ballot variations: sixteen.

The Election Department is working closely with the Recorder and our ballot printing vendor in an effort to make our combined efforts lead to a successful implementation of these new laws.

A matrix reflecting possible ballot variations for the 2014 primary election is attached for your review and comment.

Please contact with any questions or comments. I am at your service.

Matrix reflecting possible ballot variations for 2014 primary election

Ballot Types	Contest: Fed Only Ballot	Contest: Fed, State, County only Ballot	Contest: Fed, State, County, Town only Ballot	Contest: Town only
Democratic	X	X	X	
Republican	X	X	X	
Libertarian	X	X	X	
Green	X	X	X	
Americans Elect	X	X	X	
Party not designated				X

Election precincts not in Oro Valley will be issued ballots that reflect:

- Federal Contests (5)
- Federal, State and County Contests (5)

Election precincts that are entirely in the corporate limits of the Town of Oro Valley will be issued ballots that reflect:

- Federal Contests (5)
- Federal, State, County and Town Contest (5)
- Town Contests (1)

Election precincts that are split by the corporate limit of the Town of Oro valley will be issued ballots that reflect:

- Federal Contests (5)
- Federal, State and County Contests (5)
- Federal, State, County and Town Contests (5)
- Town Contests (1)