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# MEMORANDUM

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Date: December 19, 2014

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

From: C.H. Huckelberry  
County Administrator *[Signature]*

Re: **Congressional District 2 Recount**

As you know, the Congressional District (CD) 2 Recount was completed earlier this week, and the Arizona Superior Court in Maricopa County certified the election of Martha McSally on Wednesday, December 17, 2014.

Attached to this memorandum is an overview of the results of the recount in Pima County prepared by Elections Director Brad Nelson, as well as a copy of the Superior Court order certifying the election.

Mr. Nelson reports that 21 more ballots were tabulated during the recount than were included in official Election Day results. The net change of 21 additional ballots involved a total of 23 ballots, of which 21 were polling place ballots that had not been counted previously; and two were Early Ballots that had mistakenly been counted by precinct scanners and were rejected during the recount because they were not properly verified.

The additional ballots related to only 10 precincts (out of a total of 145 Pima County precincts in CD 2). At the time the recount was conducted, Elections personnel and political party observers located the additional ballots in the sealed precinct ballot bags returned to Elections headquarters on election night after the polls closed. These ballot bags had remained sealed from the time the polls closed until the recount was conducted. The 21 ballots had not been counted by the polling place scanners on Election Day for various reasons, including problems with the scanners; but the poll workers had not indicated an anomaly when returning the sealed ballot bags to headquarters.

The two Early Ballots that were found in the Election Day ballot bags had been mistakenly run through the polling place scanners by voters; and those two Early Ballots were rejected in the recount, as they were not properly verified and should not have been counted in the precinct totals.

Such anomalies are common in elections nationwide and are not discoverable unless there is a recount. For example, the State of Oregon conducted a recount this year for a statewide ballot measure, and an additional 167 votes were identified by that recount out of 1.5 million votes cast.

The Honorable Chair and Members, Pima County Board of Supervisors  
Re: **Congressional District 2 Recount**  
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As Mr. Nelson reports, as a result of the Pima County recount, Ron Barber received an additional nine votes, and Martha McSally received an additional five votes. No votes were cast in the CD2 race on a number of the additional ballots that were tabulated.

CHH/mjk

Attachment

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



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# MEMORANDUM

## ELECTIONS DEPARTMENT

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**TO:** Chuck Huckelberry  
County Administrator

**FROM:** Brad R. Nelson  
Election Director 

**DATE:** December 17, 2014

**RE:** Congressional District 2 Recount

**Summary** - The recount of the ballots in Pima County in Congressional District 2 (CD2) has resulted in an additional 21 ballots being counted that were not counted in the official results of the general election, and two ballots that were counted in the official election results being rejected in the recount. The two rejected ballots are early ballots that were wrongly scanned by the precinct tabulation devices on Election Day. The net result of the recount is that Barber received an additional 9 votes and McSally received an additional 5 votes than were reflected on Pima County's Official Canvass of the November 2014 General Election.

In Cochise County the recount resulted in three additional early ballots and four fewer polling-place ballots being counted.

On December 17, 2014 the Maricopa County Superior Court determined that McSally was the winning candidate. The final vote count, as released by court was 109,714 for McSally and 109,547 for Barber, a 167 vote difference. The court recount results are attached for your review.

### **Review of the Recount**

On December 1 2014, the State of Arizona canvassed the 2014 General Election for State and Federal contests. That canvass reflected that CD2 candidate McSally had received 109,704 votes and CD2 candidate Barber had received 109,543 votes – a difference of 161 votes. Per statute (ARS 16-661) anything less than a 200 vote margin triggers an automatic recount.

An Assistant Attorney General, on behalf of the Arizona Secretary of State, certified the facts requiring a recount to the Maricopa Superior Court immediately following the official canvass. The Court entered an order requiring the recount for CD2, which included a deadline to conduct a recount by no later than 5PM on December 16.

With the order in hand, Pima County began the process of recounting the ballots for CD2. The first step was to program and test the tabulation system so that only the CD2 race was tabulated during the recount. In Pima County, the tests of the recount program included independent tests by the county, both major political parties and the Arizona Secretary of State. Upon the successful tests of the program, the recounting of ballots began on the afternoon of December 3.

During the recounting of the ballots that had been cast at the polls, county personnel and political party observers checked to ensure that all valid ballots were accounted for. This included reviewing the number of ballots cast at each precinct on Election Day and comparing the number of ballots cast to the number of signatures in the precinct signature roster and entries in the precinct poll list. These reviews lead to the discovery of some Election Day poll worker accounting errors in ten precincts within CD2. The details of those discoveries are listed below:

<u>Precinct #</u>	<u>Original ballot count</u>	<u>Recount ballot count</u>	<u>Result</u>
032	478	484	+6
036	264	265	+1
055	128	127	-1
057	336	335	-1
084	440	441	+1
086	307	309	+2
128	323	325	+2
174	408	409	+1
201	295	296	+1
219	314	323	+9

Upon the completion of the recounting of ballots cast at the polls, the recount of ballots cast as early ballots and provisional ballots commenced. No errors were discovered in the tabulation of the early and provisional ballots.

Upon the completion of the electronic recount, a hand count audit of randomly selected precincts was conducted to ensure that the electronic recount was accurate. The hand count audit was conducted by eight boards consisting of 3 members, of which not more than 2 members were from the same political party. The hand count audit included votes cast on both the optical scan and touch screen devices from the selected precincts. The results of the precinct hand count audit matched the electronic count exactly.

The results of the recount and the hand count audit were certified to the Arizona Secretary of State at 4PM on December 15, 2104.

FILED  
12/17/14 10:15am  
MICHAEL K. JEANES, Clerk  
By *D. Gardner*  
Deputy

1 THOMAS C. HORNE  
Attorney General  
2 Firm Bar No. 14000

3 Michele L. Forney (019775)  
4 Assistant Attorney General  
1275 West Washington Street  
5 Phoenix, Arizona 85007-2926  
6 Telephone: (602) 542-7826  
7 Facsimile: (602) 542-8308  
michele.forney@azag.gov

**CERTIFIED COPY**

8 Attorneys for Petitioner Secretary of State Ken Bennett

9  
10 **IN THE SUPERIOR COURT OF THE STATE OF ARIZONA**  
11 **IN AND FOR THE COUNTY OF MARICOPA**

12 IN THE MATTER OF the November 4,  
13 2014 General Election for the Office of  
14 U.S. Representative for Congressional  
District 2.

Case No: CV2014-014445

**ORDER RE: RECOUNT RESULTS**

**Priority Case—A.R.S. § 16-663(A)**

(Assigned to the Hon. Katherine Cooper)

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18 A recount of the votes cast for Candidates Ron Barber and Martha McSally in the  
19 November 4, 2014 General Election for the office of U.S. Representative for  
20 Congressional District 2 having been conducted according to law, and the results having  
21 been reported as follows:

22 **2014 General Election Recount**  
23 **U.S. Rep. in Congress Dist. 2**

County	Precincts	Barber	McSally
Cochise	49	14,677	21,737
Pima	145	94,870	87,977
<b>Totals</b>	<b>194</b>	<b>109,547</b>	<b>109,714</b>

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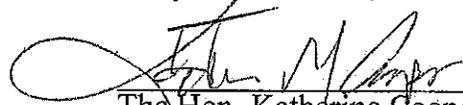
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IT IS HEREBY ORDERED that Candidate Martha McSally received the highest number of votes for the office of U.S. Representative for Congressional District 2 in the General Election.

IT IS FURTHER ORDERED pursuant to A.R.S. § 16-665(B)(2) that a certified copy of this Order be delivered by the Clerk of the Court to the Secretary of State.

IT IS FURTHER ORDERD that the Secretary of State shall deliver to Candidate Martha McSally the certificate of election forthwith in accordance with A.R.S. § 16-665(B)(2).

DONE IN OPEN COURT this 17th day of December, 2014.

  
The Hon. Katherine Cooper  
Judge of the Superior Court for  
Maricopa County

#4260365

The foregoing instrument is a full, true and correct copy of the original document.  
Attest December 17 2014  
MICHAEL K. JEANES, Clerk of the Superior Court of the State of Arizona, in and for the County of Maricopa.  
By D. Harding Deputy