Board of Supervisors Memorandum

November 18, 2014

Canvass of Election Results, Automatic Recount and Related issues

Official Canvass

The Board of Supervisors will canvass the results of the November 4, 2014 General Election at the Board meeting on Tuesday, November 18, 2014. Such official canvass is then transmitted by the Board to the Secretary of State, who will canvass the returns for state and Congressional offices on Monday, December 1, 2014.

Figure 1 attached to this memorandum shows the November 2014 General Election Voter Turnout by Voter Precinct.

Political Party Observation

Throughout the General Election, the political parties have provided observation of the entire process. This process began in early October when representatives from the Republican and Democratic Parties participated in the testing of the hardware and software that would tabulate the votes.

Each party representative was provided with the ability to independently test the tabulation system with a series of tests they developed independent of the test conducted by the County. Upon completion of these political party tests and all other required tests to ensure the accuracy of the count, the party representatives observed and documented the tabulation of all early and provisional ballots.

Political party observation also occurred at every polling place on Election Day. By statute, each polling place is staffed by poll workers who are not of the same political party. Though the poll workers are from differing political parties, they do work as a team to ensure that each and every voter is afforded the opportunity to have his or her ballot counted properly. At the end of Election Day, poll workers review their work and certify the election results from their poll. Thereafter, the voted ballots and certifications are physically returned by two poll workers of different political parties to the Election Department.

The four Pima County political parties (Democratic, Republican, Libertarian and Green) also participated in a hand count audit of the election to better ensure the tabulation system counted votes correctly. This audit included ballots cast at the polls, as well as early ballots. Over 60 political party representatives met on the morning of November 8, 2014 and randomly selected precincts and contests to be audited. The outcome of this audit

was that the ballots had been counted within the parameters set by the Arizona Secretary of State.

All told, more than 1,000 party representatives have been involved in observing and participating in this election. Pima County is fortunate to have each and every one of these dedicated individuals. However, two individuals are due special recognition. Mr. Benny White of the Republican Party and Ms. Barbara Tellman of the Democratic Party have each contributed more than 200 hours of their time to test, observe and participate in the conduct of this election. The effort of these two outstanding individuals is a benefit not just to their respective political parties but to all of the citizens of Pima County; and we thank them and acknowledge their efforts to better ensure an accurate, fair and transparent election.

In addition to the efforts of Mr. White and Ms. Tellman, additional observation of the election process was provided by Pima County Election Integrity Commission members Pat Pecoraro, Arnie Urken, Beth Borozan, Elaine Lim and Christopher Cole. We acknowledge and thank them for their contribution to the process.

Recount Procedures

An automatic recount of the Congressional District 2 election will be required by A.R.S. § 16-661, given that the margin between the two candidates is less than 200 votes. The Secretary of State will initiate the recount by certifying the facts requiring the recount to the Superior Court in Maricopa County, which will then order a recount, all as required by A.R.S. §§ 16-662 and 16-663. The Arizona Attorney General's Office has indicated the cost of the recount is a State expense.

The recount will be conducted on electronic voting equipment programmed under the supervision of the Secretary of State. The Secretary of State may delegate his duties to the Board of Supervisors. In addition to the electronic tabulation, the County chairs of the political parties must select five percent of the precincts being recounted for a hand count. If the results of the hand count of these selected precincts vary from the electronically tabulated results by less than the "designated margin," as set by the Secretary of State's Vote Count Verification Committee, the results of the electronic tabulation are the official results. The "designated margin" for polling place ballots is three votes, or one percent, whichever is greater. If the results of the hand count are equal to or greater than the designated margin, a second hand count will occur, with the results again compared with the electronic count. If the variance at this time is less than the designated margin, the electronic tabulation results become the official results. If the variance of the second hand count is still equal to or greater than the designated margin, the hand count will be expanded to 10 percent of the precincts. If the variance continues to equal or exceed the

designated margin, the hand count will be expanded to all the precinct ballots. We will work closely with the Secretary of State's Office to conduct the recount and expect to be apprised of the detailed procedures in the next few days.

In our experience with recounts over the years, it is common for the recount tabulation to vary slightly from the original tabulation, but for the difference to be so small as to have no impact on the outcome of the election. For example, in 2010, there was a statewide automatic recount of the votes cast on Proposition 112, which would have shortened the amount of time to file citizens-initiative petitions before the General Election. The Secretary of State's official canvass reported that Proposition 112 lost by 128 votes; the recount increased the margin to 194 votes (a difference of 66 votes from the original tabulation) out of more than 1.75 million ballots cast.

Proposition 415 Results

The voters approved Proposition 415 by a wide margin. This ballot measure, which was placed on the ballot by the Board of Supervisors, will provide $22 million for the construction of a new animal care center to accommodate the thousands of animals brought to the shelter each year and allow for more modern and humane animal care practices. Proposition 415 was approved by the voters of all areas of the County as shown in Table 1 below and Figure 2 attached.

Table 1, Proposition 415 Ballot Results.

District	Total Votes	Yes Votes	No Votes	Yes/No Difference	Approval Percentage
1	72,174	41,727	30,447	11,280	57.8
2	30,005	17,866	12,139	5,727	59.5
3	41,380	25,341	16,039	9,302	61.2
4	68,820	38,198	30,622	7,576	55.5
5	33,551	22,021	11,530	10,491	65.6
Totals	**245,930**	**145,153**	**100,777**	**44,376**	**59.0**

Early Ballot Tabulation

Tabulation of early ballots began on Wednesday, October 29. By the time the polls closed on Election Day, November 4, more than 158,000 early ballots had been counted, and only about 5,000 early ballots that were ready for tabulation had not been counted. Another 22,528 early ballots dropped off at the polls on Election Day and another 200 or more turned in late by poll workers were turned over to the Recorder, and the Recorder received

about 500 ballots via mail or drop-off on Election Day. These Early Ballots all had to be verified by the Recorder before being turned over to the Elections Department for processing and tabulation. The early ballots received on Election Day were counted on November 6 and 7. Table 2 below shows the number of early ballots tabulated each day.

Table 2, Early Ballot Tabulation.

Date	Early Votes Counted
10/29/14	27,000
10/30/14	27,122
10/31/14	31,067
11/01/14	27,124
11/02/14	15,382
11/03/14	8,939
11/04/14	21,570
11/05/14	12,611
11/06/14	16,077
11/07/14	16,118
11/09/14	3,356
11/10/14	14
11/12/14	212
Total Early Ballots	**206,592**

Continental School District Early Ballots

You may recall that I advised the Board on October 17 that the Pima County School Superintendent had requested the County Elections Department issue a separate ballot for the Continental Elementary School District (CESD) election to correct a printing error regarding the CESD race that occurred on the General Election ballots. Continental voters who had received an early ballot for the General Election were also sent an early ballot just for the school board race, along with separate affidavit envelopes for each election and instructions to place the school board ballot in the school board envelope and the General ballot in the General envelope. All the CESD ballots – polling place ballots and the early ballot envelopes – were set aside to be processed and counted after the General Election tabulation was completed so as not to interrupt the tabulation of the General Election and delay the General Election results further.

Unfortunately, some voters placed both ballots in one envelope. The Elections Department was able to detect some of these incorrectly mailed ballots when it processed the General

Election early ballot envelopes and found both ballots inside, and it discerned others by weighing unopened early ballot envelopes that seemed too heavy to contain only the CESD ballot and processing such envelopes along with the General Election early ballot envelopes. Despite these efforts, a total of 213 General Election ballots remained in the unopened CESD early ballot envelopes when the Elections Department began processing them on Wednesday morning, November 12. The Recorder's Office was notified of these General Election ballots so the voter history could be updated. The 213 General Election ballots were tabulated on Wednesday, November 12, along with several hundred remaining provisional ballots.

It is important to note that processing of early ballot envelopes is a time-consuming effort conducted by two individuals from different political parties and designed to maintain the chain of custody and integrity of such ballots. The two individuals first inspect each ballot envelope to ensure the number of envelopes and the voter names match the information provided by the Recorder for that batch. The individuals then open the envelopes and separate the ballots from the envelopes; perform a quick check to see if there are marks on the ballots that will prevent them from being read by the scanners and if so send them for duplication; and verify again that the number of ballots matches the Recorder's count. Only then is that batch of early ballots ready for tabulation. Thus, the Elections Department could not quickly open the CESD early ballot envelopes to check for and remove General Election ballots; such action would have interfered with the integrity of the process.

Reasons for Rejection of Provisional Ballots

Pima County Recorder F. Ann Rodriguez announced the results of her review of provisional ballots on Wednesday, November 12. Of the 10,118 provisional ballot forms processed, the Recorder determined 9,342 (or 92.3 percent) were valid. A total of 776 provisional ballots were not verified, and such provisional ballots were not counted. The reasons the ballots were not verified were as follows:

- 371 voters went to the incorrect polling place;
- 318 individuals attempted to vote who were not eligible to do so because they were not registered in Pima County or were registered after the statutory deadline of October 6, 2014;
- 52 voters had already voted their early ballot;
- 28 voters did not sign their provisional ballot form;
- 4 individuals indicated their address was outside Pima County; and
- 3 individuals' identity could not be confirmed based on the information they provided on the provisional ballot form.

Citizen's Communication to Board Regarding August 5, 2014 Board Action

Each Supervisor has apparently received an email communication from a Pima County resident criticizing the Board's denial of a past recommendation of the Election Integrity Commission (EIC). While the citizen, Mr. Richard Hernandez, does not specify which recommendation(s) he is addressing, he presumably is referring to the Board's 4 to 1 vote on August 5, 2014 rejecting two recommendations of the EIC: 1) that the procurement of new central count tabulation equipment include polling place scanners, and 2) that the County conduct an experimental hand-count audit of early ballots by precinct.

As the Board will recall, there is a continuing trend toward early voting. During the 2012 General Election, almost 70 percent of votes in Pima County were cast by mail-in ballot or at a Recorder's early voting site. In this year's General Election, about 75 percent of the vote was by early ballot, and we anticipate that by the 2016 General Election, early ballots will constitute 80 percent of the vote. Purchase of precinct scanners would add about $1.8 million to the cost of procuring a new tabulation system. These funds are not budgeted or available, and this expense does not appear to be prudent in view of the continually decreasing number of ballots cast at the polling places. Many safeguards are in place to ensure the integrity of polling place votes, including: a) the ballots being deposited in a locked and sealed box; b) ballots being transported by two or more individuals from different political parties; c) tamper-proof seals being installed on the ballot boxes; and d) the recorded chain of custody of the ballots between the polling place and the central tabulation location. Additionally, ballots cast at the polling places were subject to a hand-count audit conducted on Saturday, November 8, which verified the accuracy of the electronic tabulation. In view of these safeguards and the relatively small number of polling place ballots, the Board's decision not to purchase polling place scanners at this time was sound.

The recommendation of an experimental audit of early ballots by precinct was not approved for a number of reasons, including that it would break the carefully maintained chain of custody for those ballots. In addition, there is no established process for a hand count of early ballots by precinct, and the Secretary of State's Office advised Pima County that such a new procedure should be thoroughly vetted on a statewide basis and included in the Elections Procedure Manual if it is to be used.

The newly purchased central tabulation equipment may provide a method for auditing early ballots by precinct in future elections, as it has the capability of sorting scanned ballot images by precinct. Current state law does not permit an audit of election results by electronic means; but we believe such a process would enhance transparency and confidence in election results, and we will seek the Secretary of State's approval for such a process.

Recommendation

I recommend the Board of Supervisors approve the Canvass of Election Results for the November 4, 2014 General Election.

Respectfully submitted,

C.H. Huckelberry
County Administrator

CHH/mjk – November 14, 2014

Attachments

c: The Honorable F. Ann Rodriguez, Pima County Recorder
Ellen Wheeler, Assistant County Administrator for Justice and Law
Brad Nelson, Elections Director

November 2014 General Election Voter Turnout by Voter Precinct

Supervisorial District

Voter Turnout

Percent per Precinct

- No Registered Voters
- Less Than 20%
- 20% - 39.99%
- 40% - 59.99%
- 60% - 79.99%
- 80% or Greater

0 5.5 miles

N

PIMA COUNTY
GEOGRAPHIC INFORMATION SYSTEMS

CMO0991 11/13/14

1 2 3 4 5

Western Pima County Inset Map

FIGURE 1

Proposition 415 Affirmative Votes by Voter Precinct

Supervisorial District

Affirmative by Percinct

- No Registered Voters
- Less Than 50%
- 50% - 58%
- 59% or Greater

0 5.5 miles

N

PIMA COUNTY
GEOGRAPHIC INFORMATION SYSTEMS

11/14/14

CMO0991\415yesbyprecincts2

1
2
3
4
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Western Pima County Inset Map

FIGURE 2