

# **Pima County Election Integrity Commission**

<http://www.pima.gov/commission/ElectionIntegrity.shtml>

## **Minute Summary**

The Pima County Election Integrity Commission met in regular session on April 27, 2012, at the Pima County Administration Building, Finance Training Room, 6<sup>th</sup> Floor, 130 W. Congress, Tucson, Arizona 85701.

### **Item 1: Roll Call**

**Present:** Mickey Duniho, Charles Geoffrion, Jim March, Pat Pecoraro, Tom Ryan, Barbara Tellman, and Arnie Urken, and Benny White who attended part of the meeting telephonically

**Absent:** John Moffatt, Drew Spencer,

Also in attendance: Brad Nelson, Pima County Elections Department

### **Item 2: Pledge of Allegiance:**

Those in attendance stood for the Pledge of Allegiance.

### **Item 3: Approval of the March 23, 2012 Minute Summary:**

Pat Pecoraro motions to approve the minute summary. Arnie Urken seconds the motion. Motion unanimously carries.

### **Item 4: Ballot Scanning Pilot Study – Tom Ryan**

Tom Ryan is not present, so this item will be tabled.

### **Item 5: 2012 Election Update – Brad Nelson**

The Elections Department conducted the Congressional District 8 Primary Election, where turnout was 44%, not including independent voters, only affiliated voters who had the opportunity to cast a ballot. 79% of all ballots cast were through the early ballot process. A certified ballot for the CD8 General Election was complete on April 23<sup>rd</sup>. Artwork and programming for the general election has been completed and early ballots for military and overseas voters will be available this weekend.

Benny White asks Brad Nelson his take on the 602 recount process if a county does not conduct a hand audit. Brad Nelson does not know the special recount process procedures.

Barbara Tellman asks when the post cards are sent out to the independent voters. Brad Nelson understands that there is a 90-day notice sent to voters on the PEVL list. At that point, they have the opportunity to tell the Recorder what ballot they wish to have, and if they don't respond, no ballot is sent, but they can obtain one later. Additional information can be found on the Recorder's website at [www.recorder.pima.gov](http://www.recorder.pima.gov). Additional information on the election can be found on the Election website at [www.pima.gov/elections](http://www.pima.gov/elections).

Charles Geoffrion commented that he received polling location information two separate times with different locations. Brad Nelson explains that when the Elections Department must provide the Recorder with the polling place information that will be attached to the sample ballot, it is still early in the process and polling locations aren't always confirmed. Polling locations that changed (mostly from schools due to AIMS testing) were noted on the Elections website, and a yellow post card was sent to every household noting the change, as well.

Polling places were secured for the CD8 Primary Election, and will be secured for the upcoming General Election.

**Note: EIC elects to move to Item 9.**

**Item 9: King County Elections Department Report – Mickey Duniho**

King County, WA had recently gone to a vote-by-mail voting process, and Mickey asked and received a tour with the King County Election Department.

King County could not provide cost savings data as their purpose for the all-mail ballot process was not to save money, it was due to their hand count complaints in the 2007 Governor's election where the margin of victory was only a few votes.

Mickey's report reads:

*On Dec 28, I visited the King County, Washington Election Department and met first with Ms. Renee LeBeau, who is in charge of mail ballot processing, and then with Ms. Sherril Huff, Director of Elections for King County. The purpose of my visit was to see and discuss the Pitney Bowes sorters used by King County for processing mail ballots, and to explore King County's transition to all-mail voting.*

*King County is about double the size of Pima County and about half the size of Maricopa County. They process approximately 1 million ballots in a major election. Washington does not allow tabulation of ballots before Election Day, so King County's use of the older Diebold scanners that Pima is still using was not allowed to start until 7am on Election Day. They had 40 central count scanners to scan more than 500,000 early ballots, and that task was accomplished in one very long day. That works out to about 12,500 ballots per scanner, or about 625 ballots per hour per scanner for a 20-hour day. Pima County, by comparison, tabulated about 400 ballots per hour per scanner in the closely observed 2006 general election.*

*King County now processes their all-mail ballot election with 16 of the new ES&S (formerly Diebold) high-speed scanners. They got permission to graphically scan ballots as they arrive in the mail before Election Day and to tabulate the images on Election Day. Graphical images are not posted publicly and apparently there are no plans or demand to do so.*

*Ms. LeBeau gave me a tour of their facility and answered most of my questions about how they process mail ballots. The first pass use of the sorters is to scan the ballot envelope containing the voter's signature and to send the signature image to a computer where it can be compared with the reference signature from the voter registration. No sorting is done in this pass. When they first acquired the sorters in 2008, this was the only pass in which the sorters were used.*

*Today there is a second pass, after signature verification, to remove unverified ballot envelopes, to sort the valid envelopes by legislative district (to make hand recounts easier), and to slit the valid envelopes for ballot removal. They do not sort by precinct.*

*There are two sorters, each 10-12 feet long. Each sorter has about 20 trays, to receive the 17 legislative district groups and also to sort the rejects by type of problem.*

*King County hires temporary workers to scan ballot envelope signatures. I didn't count the number of computer workstations in that area but I think there were on the order of 100. Ms. LeBeau told me that they have 100+ signature verifiers. Each worker is limited to 6 hours per day, to reduce errors. If a signature is deemed bad, a second person reviews it before declaring it invalid.*

*King County does not phone rejected voters; they send a letter notifying the voter of the problem and how to remedy it.*

*Another couple of hundred temporary employees remove ballots from envelopes and examine them to ascertain that they will be successfully read by the scanners. If a ballot cannot be scanned, a two-person team creates a duplicate image in the computer. (Since voters in Washington do not register by party, this two-person team is just two election department employees, not necessarily of different parties.) Duplication of scanned ballots that won't tabulate is done in the computer, working from the graphical image produced by the new ES&S (previously Diebold) high-speed scanners. Scanning starts as soon as mail ballots are ready for processing, but I was told that only ballot images are stored in the computer until Election Day. That evening, tabulation is done using the graphical images of ballots. This takes less than a half hour.*

*The new scanners are being used under a provisional certification provided by the Secretary of State's office. Under Washington law, this provisional certification requires that they hand count 20 batches. (I thought I was told this requirement was for 6% of the ballots, but 20 batches x 300/batch is only 6,000 ballots, or about six tenths of a percent.) I was told that Washington has no other requirement for hand count audits.*

*King County uses 16 of the new scanners, replacing 40 of the old scanners.*

*Washington requires reconciliation of numbers of received ballots with counted ballots, and I was told that in the last couple of elections, since the new equipment has been used, the reconciliation error was zero.*

*Using the newer technology (sorters, electronic signature verification, electronic duplication of ballots, graphical scanning of ballots before Election Day, high-speed scanners, larger database in central computer) has enabled King County to operate with 400 temporary employees versus 700 employees required previously with the old system to process 75% of ballots received by mail. (This is not counting the numbers previously required for staffing polling places – only the central processing team.)*

*King County moved into a new (rehabbed) building in 2007. This building houses election department offices on the first floor, and ballot processing on the second floor. The ballot processing area is one large room with almost no internal walls. There is a hallway that encircles the second floor so that the public can walk around and watch any and all parts of the ballot processing, including storage of ballots in a large caged area. There are also many cameras with images posted to the internet. The central computer room has walls to limit access but has a window to the outer hallway so that the public can see into that room also. All cabling is in exposed overhead trays similar to those in Pima County's central count room, except that King County's cabling also extends to the sorters and the signature verification workstations. Monitors are located along the outer corridor so that the public can watch what people are doing on the computers inside the room. The large area that is used for removing ballots from envelopes is also used for hand counts, which are required whenever a race is closer than 150 votes or ¼ percent. In the last election there were some legislative district hand counts, which had just finished the week before I visited. (These hand counts are done by the same temporary employees who remove ballots from envelopes.)*

*Each party is permitted two observers inside the large combined processing area. One observer per party is allowed during hand recounts.*

### **Discussion/Questions**

Mickey Duniho explains that a recount in King County is considered a hand count. Temporary employees are hired for each election in King County, as opposed to Pima County, who hires permanent employees. Training is similar to Pima County, as well. – In all of AZ, not just Pima County, recounts are performed electronically; temp employees are involved in both the original and subsequent electronic recount of all ballots. Hand counts, as the term suggests, are manual tallies performed by auditors designated by the political party chairs. They are not employees. However, per statute these auditors do receive compensation for their service.

John Moffatt asks if there have been discussions regarding electronic comparison to signatures. Mickey said that King County's process is similar to Pima County. Mickey does not believe that the automatic signature verification technology is suitable at this time.

Jim March explains that King County's ballots were printed by Spectrum Print and Mail. He claims the company had a claimed spoilage rate above 20%, and that the company is founded and managed by a man with multiple felony convictions for embezzlement.

Mickey explained that King County does not have a requirement for hand count audits, which he found concerning. But the Director of Elections was proud to note that their error rate for counting ballots is zero.

John Moffatt explains that the gap in our tracking system is in the beginning, as Pima County does not know how many envelopes get to the USPS. John has stressed to the Recorder's Office that those numbers are important.

Benny White asks how signatures from the Recorder's record could be compared to the affidavit signature. Mickey does not know how it's compared and the issue was not discussed.

King County has an Advisory Commission involved in elections, but Mickey was unable to make contact with them.

Mickey feels that the technology King County uses to scan signatures may be the direction Pima County should consider if Pima County goes to an all-mail voting system. The quality of the process in King County was as good as Pima County. He adds that if a computer system were to be used, more hand count audits should be conducted.

Benny White has seen signature scans in the past and the frequency of questions surrounding the scans is high. Mickey did not discuss the error rate for signature scanning with King County.

John Moffatt encourages the Recorder's Office representatives to attend EIC meetings, as there are important topics discussed, especially the topic of tracking the envelope count from the Post Office. Benny White explains that the Recorder's Office have a two (2) person rule when ballots are processed. Once the ballots enter that process, the exact number is determined, and the Recorder's Office documents how many ballots were rejected, verified or accepted. The document is recorded as part of the application software used for the signature verification. There are processes to verify the numbers, but Pima County does not have the number of envelopes which arrived from the USPS. John Moffatt doesn't question the security of the ballots once they enter the Recorder's process, but trays could go missing and that's concerning.

**Item 8: Weapons at Polling Places – Barbara Tellman**

Barbara Tellman clarifies that she wanted to discuss poll place safety. There was a Marshal who became concerned about his ability to control someone who may be carrying a weapon at the polling place. Current legislation (13-3102 – Misconduct Involving Weapons; defenses; classification; definitions) was handed out to the Commission for reference. Brad Nelson is unaware of any proposed legislation of this law.

Benny White explains that individuals cannot carry a gun into a polling place, unless you are authorized by the government to have a gun. He will seek a legal opinion from the County Attorney regarding individuals having a CCW and carrying a weapon in polling places. The Marshal is encouraged to call 9-1-1 should law enforcement be needed.

Brad Nelson will seek an informal opinion from the County Attorney so poll workers can be properly informed. Brad will forward that opinion to Catherine Hanna for EIC distribution. This item will be addressed at the next EIC meeting. *A.R.S. § 13-3102(A)(11) does prohibit bringing a deadly weapon into a polling place on election day “unless specifically authorized by law.” Subsection C of that statute does provide exceptions for a peace officer in the performance of official duties, a member of the military in the performance of official duties, a correctional officer, and “a person specifically licensed, authorized or permitted pursuant to a statute of this state or of the United States.” The use of the word “specifically” means that a statute would need to explicitly state that an excepted individual could bring a deadly weapon into a polling location or general language permitting carrying a weapon in any public location regardless of any specific prohibitions. The concealed weapons statute, A.R.S. § 13-3112, contains no such language. It merely allows an individual to carry a weapon in a concealed fashion in locations where weapons are permitted. To emphasize this, the back of a CCW permit states, “This permit DOES NOT authorize you to carry a weapon into an establishment prohibiting weapons.” So, unless a person meets one of the exceptions, they would violate A.R.S. § 13-3102 by carrying a weapon into a polling location on Election Day either in the open or concealed, even if they have a concealed carry permit.*

**Item 6: Election Legislation**

**HB2826 – Consolidated Election Dates; Political Subdivisions**

This legislation would consolidate elections with municipalities in even numbered years and is still being considered and narrowly passed the Senate. It has not reached the Governor's desk. If passed, it will be implemented by 2014. Municipal elections, normally held in March and May of both even and odd numbered years would occur on Pima County's August primary and general election ballots, exclusively, in even numbered years. Brad Nelson expresses concern when it comes to the amount of information on the ballot, which could exceed 2-3 pages. Election Officials, County Board of Supervisors, Recorders, and Municipalities have all raised concern, as well. John Moffatt recommends this item be discussed at the next Board of Supervisors meeting on May 8<sup>th</sup>.

Litigation is possible, but unknown at this time.

**Item 7: Cost of Elections Analysis – Charles Geoffrion / Brad Nelson**

Note: Brad Nelson provided an overview of this document with the Commission. This document will be attached to the meeting summary.

**Discussion**

***Sample Ballot Cost***

In addition to sample ballot costs, there are publicity pamphlets used during elections outlining ballot items for consideration. This pamphlet is separate from the sample ballot, the costs associated are incurred by that particular jurisdiction, and costs are not covered by any other jurisdiction. Voters on PEVL do not receive a sample ballot.

***Alternative Cost-Saving Options for All-Mail Ballot***

Mickey Duniho seeks clarification on why it costs the state of Oregon around \$2 per ballot and Pima County around \$3-4. Oregon does not pay for return postage, Pima County does, which may account for some of the cost difference. Sample ballots are one per household, where as an All-Mail Ballot Election would be one per voter.

Jim March suggests that overtime expenditures should be audited. The Recorder's Office generates a lot of overtime hours, but uses a minimum amount of staff while verifying signatures. The Elections Department's overtime hours depend upon the volume of ballots from the Recorder's Office.

Brad Nelson believes there will be some reduction in costs due to the PEVL. There were 417 precincts in 2010, and with PEVL, the amount of precincts has decreased to 288 for the 2012 election cycle. Costs should decrease across the board, including the Elections Department, as less staff will be needed for election-related activities. As the Recorder mails out ballots, they mail hundreds of thousands of ballots. Some ballots are mailed back right away, some voters wait until the last minute. In a general election, voters tend to take their time when deciding on what propositions they want.

The Elections Department has 15 full-time employees. During an election year, 50 additional staff are utilized for equipment preparation and polling place organization. Temporary/seasonal employees are used to recruit, assign and compensate the poll workers. Elections hires about

50 temp employees. Approximately 25 temps comprise our early boards; 8 to 10 temps for the warehouse; 6 to 8 temps for tabulation; 4 to 6 temps for general office work.

Brad Nelson explains that the Secretary of State supports the voting center concept. An initiative for all-mail ballots was proposed several years ago, which failed, as voters enjoy having a physical location to vote. The County Administrator has identified the need for cost-saving and looks to the EIC to provide more options for consideration.

Brad supports the voting center concept, and envisions equipment to include ballots on demand, but the technology, thus far, isn't up to standard. Voting centers would have to be located on a major thoroughfare and have adequate parking for voters. Brad would like to see gymnasiums and schools close down for the day to use as polling locations. Currently, voting centers are not allowed for a state-wide election. The Elections Department will continue to reach out to other Arizona counties who have a voting center election, and will ensure voter hardships are taken into consideration.

Charles Geoffrion asks if it's fair to assume that the combination of the voting center and the opportunity to mail in a ballot provides a fair playing field in an era when we are trying to reduce costs. Brad Nelson believes that is fair. Mickey Duniho explains that some would argue against that, as voting centers tend to be more sparsely distributed; therefore, voters would have to travel farther to vote.

Brad Nelson explains that his department's costs increased once he received HAVA funds to purchase new voting equipment. The equipment was good to have, but he didn't have additional funding to store and maintain it. Proposition 200 also required ID's to be checked at the polls, which increased the Election Department's costs, as an additional clerk was needed to operate as a conductor when checking ID's. The short term solution to cutting costs, at this time, is to reduce the amount of polling locations. Statute states that the Board of Supervisors "shall establish a convenient number of polling locations" for voters. As PEVL increases, polling locations can decrease.

Barbara Tellman sees the voting centers and mail-in ballots as beneficial, and would like to see more ballot drop-off locations including Libraries. John Moffatt was going to discuss this with the Library system management.

*Materials provided: Costing Analysis for Ballots, Alternative Cost-Saving Options for All-Mail Ballots, Cost Estimates for Use of Vote Centers, and Vote Center History, prepared by Mr. Brad Nelson, Pima County Elections Department Director.*

**Item 12:      Discuss Revenue – Generating Strategies – Arnie Urken**

Arnie Urken wants the Commission to think of creative ways to generate revenue during elections, i.e., placing ads on vehicles or busses.

Brad Nelson explains that Kansas Elections Departments involve themselves in corporate sponsorship of polling places. Polling places have signs outside their polling locations, which has a company sponsor name on it. The poll workers working the polls are employees of that particular company sponsoring that location. Employees are kept out of work for the day, with pay, and the county does not compensate them. Poll workers are trained through the county.

Arnie Urken will create a memorandum with creative options on generating revenue for elections. He will forward it to Catherine Hanna, who will circulate the information for the next meeting. Brad will send Catherine cost analysis from the City of Tucson once he receives it.

Jim March has concerns with centralized reliability and computer hacking in elections. He believes that people are being asked to change political party affiliation, which should be banned. Mickey Duniho sees no simple solution to the overall problem with election integrity. The Commission struggles in improving the rules and Mickey would like the Commission to do more in finding solutions, but it would call for changes in legislation.

Charles Geoffrion explains that the EIC has generic tasks, and are blocked on a number of initiatives with respect to legislative realities. Mickey Duniho will forward a website link which discusses election best practices.

The Elections Department solicited all of the parties to conduct a hand count audit for the recent special election. Brad Nelson explains that there weren't enough people who volunteered, and was given ample notice by the Democratic Party that they had a state-wide function and could not attend. Brad expects an audit for the upcoming CD8 General Election.

Item will be continued.

**Item 10: Review of EIC Member Rules Pertaining to Precinct Observation – Brad Nelson & Charles Geoffrion**

Jim March explains that he was at a polling place on election night, as a Libertarian party observer, not under the EIC credentials, and was thrown out of the polling place.

Brad Nelson sent out an invitation to the EIC on April 5<sup>th</sup> to observe any part of the process they chose. If any of the EIC members wanted to go one of the receiving centers, the supervisor of the receiving center was to wear a bright yellow smock and EIC members were asked to direct their questions to them. Brad asked that if any EIC member wanted to observe a polling place, they were to contact him (Brad), in advance, and Brad or his designee would accompany the member to the requested polling place. If there were questions reference the polling place administration, questions were to be directed to Brad who would then get the appropriate personnel to answer the questions.

Jim March inquires why observers were only allowed to observe between the hours of 6:00 am and 7:00 pm. Brad Nelson explains that he would have made arrangements if an observer wanted to observe after the polls closed.

Additionally, the Elections Procedures Manual states that a political party has to have a candidate on the ballot for political observation to take place. This information can be found on page 106, under Political Party Observer/Challengers, third paragraph in the current Procedures Manual. Jim March was unaware of this procedure.

Jim March suggests Brad Nelson teach his poll workers what a party observer is, and the rules on being filmed in a polling place. Jim states that filming issues keep coming up, which will result in him being removed. He believes this will result in him being falsely arrested, which has happened before, and will civilly sue anyone who orders his false arrest. Jim believes the poor poll worker training leaves the Elections Department open to civil liability.

Mickey Duniho suggests random checks of poll worker quality be done on election day, although 100% quality isn't realistic.

**Item 11:      Analysis of Systematic Election Procedures – John Moffatt**

In the 2008 election, Dr. Moffatt created a flow chart to show the election process, and has since sought ways to improve the overall experience. Dr. Moffatt has been trying to find ways to streamline the system and/or address individual improvements as they occur. Dr. Moffatt will forward the spreadsheet to Catherine for Commission review.

Arnie Urken suggests standards be developed stating the EIC's objectives as it relates to specifications of desired equipment.

Mickey Duniho suggested some months back that a smart phone application be developed to inform voters on precinct locations. Dr. Moffatt explains that he took that suggestion to the Recorder's Office, but the Recorder's IT department suffered some setbacks and could not tend to the suggestion. Pima County has a new Communications Department, who may be more familiar with those suggestions. Dr. Moffatt will suggest this topic to them when he has the opportunity. In the meantime, anyone can log on to the Recorder's website, input their address and find out where their polling place is located.

**Item 13:      Call to the Audience**

No audience members have comments for the Commission.

**Item 14:      Next Meeting Date and Time**

The Commission will meet again on Friday, June 1, 2012, at 9:00 am, Pima County Administration Building, Board of Supervisors Conference Room, 1<sup>st</sup> Floor, 130 W. Congress, Tucson, Arizona 85701.

**Item 15:      Agenda Items-New Business**

Charles Geoffrion asks the Commission for new business. He receives no response.

**Item 16:      Adjournment**

Arnie Urken motions to adjourn the meeting; Pat Pecoraro seconds the motion. Meeting adjourned at 12:29 p.m.