

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 June 1, 2012, at the Pima County Administration Building, Board of Supervisors Conference Room, 130 W. Congress, Tucson, Arizona 85701.

Item 1: Roll Call

Present: Mickey Duniho, Charles Geoffrion, Jim March, John Moffatt, Pat Pecoraro, Tom Ryan, Barbara Tellman, Arnie Urken, Benny White

Absent: Drew Spencer

Also in attendance: Brad Nelson, Pima County Elections Department; Chris Roads, Pima County Recorder's Office

Item 2: Pledge of Allegiance:

Those in attendance stood for the Pledge of Allegiance.

Item 3: Approval of the April 27, 2012 Minute Summary:

Pat Pecoraro asks for clarification on items from the previous meeting minutes. Reference, the HB2826 – Consolidated Election Dates; Political Subdivisions, Dr. Moffatt was to recommend that this item be discussed at the May 8th Board of Supervisors meeting. As an update, Dr. Moffatt explains that the item was not placed on the Board's agenda.

Barbara Tellman motions to approve the minute summary. Pat Pecoraro seconds the motion. Motion unanimously carries.

Item 4: Ballot Scanning Pilot Study – Tom Ryan

Tom Ryan had a follow up conversation with Larry Moore regarding ballot scanning. Mr. Moore has completed pilot studies on two (2) more elections and recently met with the Florida Election Director. Colorado and New York elections representatives have encouraged Mr. Moore to become state-certified with his system. Colorado, New York, Florida, and New Hampshire do not require Federal Certification, so Mr. Moore is considering state-certification.

Mr. Moore was involved in the New York elections and has two (2) trials scheduled in the Fall with two (2) counties the size of Pima County. He will conduct an election review in New Hampshire for their primary election in September, and will conduct election reviews in six (6) counties in Florida during the primary and general elections. Mr. Moore has generated style templates recommended by the EIC.

Mr. Moore is still interested in Pima County and would like to find a way to make it happen. Dr. Moffatt has received no further feedback from the Secretary of State's Office.

The law requires that the Secretary of State's Office issue an RFP for a pilot study. Tom Ryan will request ballpark figures from Mr. Moore.

Benny White put together some proposals for statutory change in the last legislative session, which were moved through Committee and died at the request of the Secretary of State. Commentary from the Secretary of State's Office indicated that the changes should be dealt with as a whole, rather than individually. A large meeting forum was suggested, so everyone can make suggestions and give input at the same time. Benny believes the Secretary of State's Office is just overwhelmed with additional elections and redistricting.

Tom Ryan explains that the Commission may want to start thinking when it would be convenient for Elections to conduct a pilot study. The study doesn't have to occur during an election, but can be conducted using a past election.

Item 5: 2012 Election Update – Brad Nelson

May 30th was the closing deadline for candidates to file to be on the August primary election ballot for the partisan offices. The form that the candidates complete files how they want their name to appear on the ballot. Candidate cards will be sent to all of the candidates showing how their names will appear on the ballot for verification.

June 4th will be the Logic and Accuracy test for the optical scan portion for the CD8 General Election. Elections has sent out an invitation to all of the political parties in Pima County to begin to gather their hand count audit boards, scheduled for June 16th.

Elections has received approximately 50,000 early ballots to date. At the June 5th Board of Supervisors meeting, there is an agenda item pertaining to the establishment of polling places for the August and November elections. Proposals were sent to the political parties, as well as, the Hispanic Advocacy Groups, and the Tribal Governments. Brad Nelson awaits their input. Assuming approval by the Board, the proposals will go out to the Department of Justice for their approval. Changes are anticipated since polling precincts decreased from 417 to 288 precincts. Some polling places will only see a new identifier number. The Recorder's Office will send out new voter registration cards.

Brad was told by the Deputy City Clerk that the City of Tucson will have two (2) ballot questions on the November 2012 election. The County School Superintendent's Office has informed the Elections Department that there won't be a lot of school issues on the ballot. TUSD will not have a question on the ballot. When Elections consolidated precincts, they kept the "splits" (various jurisdictions within a precinct) to a minimum.

Poll worker classes for the CD8 General Election are on-going. The marshals and clerks were trained last week and the inspectors and judges will be trained this coming week. After the successful Logic and Accuracy test, the warehouse personnel will begin delivering the boxes, forms, and signs to the polling places.

Item 6: Election Legislation

HB2826 – Consolidated Election Dates; Political Subdivisions

This legislation will consolidate elections with municipalities in even numbered years. The Governor has signed the legislation, which takes effect in 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, but it is now law. Litigation is possible, but unknown of any injunctions at this time.

The Elections main concern is if there are a variety of ballots because of different political parties or different jurisdictions, this confusion, coupled with the other anticipated changes (precinct changes, etc) may increase the likelihood of incorrect ballots being given out.

Because there are major changes affecting the August and November elections, households that don't have PEVL voters will get a sample ballot showing them where the appropriate polling location is for the voter to vote.

Benny White inquires about precinct committee elections. Brad Nelson explains that for each precinct, there is availability for the major political parties to elect precinct committeemen. The amount of committeemen available comes from a formula from the statute. One is given, automatically, then it's one for every 125 registered voters of that political party. If there are eight or less people who file petitions for write-in candidacy nomination papers, there is no contest and there's no reason for that to be reflected on the ballot. The Board of Supervisors, by their actions, can deem those people the same as if they were elected, so the same rights and privileges as an elected person exist.

Alternatively, if there are eight seats available, but nine people file, there is a contest and it goes on the ballot. Because it only appears in one precinct as it's a precinct office, we determine the order of their names on the ballot by drawing lots at a Board of Supervisors meeting. Write-in candidates have until June 13th to file.

Benny inquires about the precinct redistricting as it relates to PEVL participation. Part of the consideration was to leave precincts alone where there was not a high level of PEVL participation. Benny asks if there is state or federal standards in considering how many people should be in a precinct or how far they would have to go to vote. Cost is always a concern, yet there are polling places in close proximity of one another.

Brad states that there is nothing at the state or federal level which states that once a precinct gets to a specific threshold of registered voters, the precinct is split, nor is there anything that states that if the voter farthest from the physical polling place has to travel over 25 miles to vote, it has to be modified. In Arizona, statute states that *the Board of Supervisors shall establish a convenient number of precincts and polling places*. The desire is to have a polling place within the confines of a precinct.

Elections takes the number of registered voters in a precinct. The best turnout has been 80%, so 20% is taken off. Half of those remaining will vote early and not show up at the polls, leaving a base number to work with. The polls are open for 13 hours and consideration for parking, time to show identification, sign in, vote, and place in the ballot box is given when deciding on a polling location. If it's determined that the number of voters is too big to send through a precinct within that timeframe, the precinct rosters are split.

There is a provision within the Procedures Manual, which details wait-times, and was drafted as a result of the 2004 Presidential Election in Maricopa County. There was a large community with registered voters, but no community buildings to use as polling locations. They had thousands of voters using one location, and voting continued until 2 a.m. the next day. Members of the legislature remedied the situation, as a result.

Brad Nelson reviewed the Weapons at Polling Places concern for Barbara Tellman, and referred the Commission to the April 27, 2012, EIC meeting summary (Item 8, page 5).

Regarding cell phone use, it's prohibited in the polling place.

Jim March inquired about observing after the polls have closed. Brad Nelson reiterated that anyone who wants to observe is required to contact him and he will make those accommodations. Regarding cameras in the polling places, Brad Nelson received an informal written opinion from the County Attorney, which states that there is not to be any photography (still or video) while the polls are in operation. A camera inside a polling place is intimidating. Jim March agrees, but after the polls close, using a camera is allowed.

Benny White inquires why Jim March would be in a polling place after the polls close. Jim explains that his authority would be as a political party observer. Observers are there to observe the tabulation of the vote, which does not occur after the polls close. Jim states that it also includes the polling closing procedures, in addition to the central tabulator operations.

Benny White states that the Republican party has scheduled an attorney from Phoenix to conduct Polling Place Observer Training on June 2nd in Tucson.

In follow up to the 2012 Election Update, Benny White inquires as to the provisional ballot impact surrounding the confusion of the redistricting process. The provisional ballot requests have been decreasing more and more. Brad believes the potential provisional ballots are voters showing up at polling locations from years ago, not noting the new locations. Elections has gotten better at having provisional ballots administered correctly, as they took tools away from the poll workers who used them inappropriately or not using them at all. Benny states that he was impressed with the idea of using a cell phone application to identify what polling location a voter could use to cast their vote. John Moffatt explains that developing an application is fairly common.

Jim March explains that there's a past practice that the Election Department has asked poll and board workers to switch their political parties so the Election Department can make up the required balance of Republicans and Democrats at the polls. He inquires if that policy has ended. Brad Nelson explains that the policy never existed.

Mickey Duniho asks if there is an exception to the law which allows a change of parties if there is trouble staffing polling locations. Brad explains that there is no exception during a partisan election.

The Recorder's Office sends out cards to independent voters under PEVL stating that they need to request a ballot if they want to vote. Barbara Tellman asks how many of those cards get returned and how many have requested ballots for each party.

In the data provided to the candidates of the parties, it shows the party ballot requested with their party affiliation. Notices were sent out this week and the first batch were the independent groups on the PEVL. The Recorder's Office is required to mail out the notice 90-days prior before the primary election. The regular group went out May 31st.

The form is busy, as State law requires the Recorder's Office to place numerous options on the form. Early voting activities for Independents tend to be minimal (5-10%).

Updates from the Recorder's Office

Today, is the deadline for early ballot requests for the June 12th election. There have been 188,000 early ballots. The Recorder's Office receives a large number of PEVL additions via the MVD Easy Voter System. By the end of the week, the Recorder's Office expects that returned ballots will top 100,000.

With regard to the redistricting process, the Recorder's Office received the pre-clearance notice from the DOJ about two (2) weeks ago, which allowed the candidates to know the amount of signatures before the deadline (May 30th). The Recorder's Office could not implement those districts in the production database because of the CD8 Special Election. Likewise, state law states that the Recorder's Office has to send new voter registration cards to all voters by May 1st of a general election year. This would have caused a lot of confusion, so the Recorder's Office will send new cards following the CD8 Election.

The new districts are reprogrammed. The Recorder's Office will mail out the 90-day notices to the PEVL voters to tell them when the ballots will be mailed. Once the provisional ballots for CD8 are complete, the Recorder's Office will convert the new districts directly into the production live database.

Next week, the Recorder's Office will send their data to their vendor in preparation for new identification cards to the voters. Next weekend, the voter file recorders will be uploaded into the development system so each voter will be matched to their new precinct.

The candidate filing deadline paves the way for the challenge period to begin. This is where the opponents or their supporters review the nomination petitions, and can file challenges to get some candidates off the ballot. Challengers have 10 calendar days to put the challenge lawsuit together and filed. The Recorder's Office has 10 calendar days to review and make their determination to a judge, and a trial must occur within 10 days of the case being filed. An appeal would be made directly to the Arizona Supreme Court, which would have to be filed five (5) days of the judge's verdict.

The Recorder's Office has already ordered forms for the Primary Election. There will be 10 early voting sites for the primary and the general election, although it's not determined when they will be open. Site hours during the primary election will be less than in the past for cost reasons and lack of participation. There will be portable buildings in the parking lot of the NW YMCA, Sacred Heart Church, and the Recorder's Office is verifying with the U of A as to whether that site will be available during the primary. The last week of early voting is the first week of school.

As of this morning, there are 255,000 voters on the PEVL for Pima County, placing the County in the 50% range.

As ballots come in, the Recorder's Office gives a daily report to the parties as to who has submitted a ballot.

Benny White understands that there will be a new redistricting database implemented in June 2012, but he asks when the June Voter Registration data will be available to the political parties. Chris Roads said that the Recorder's Office plans to send the information out after June 1st, and

following the conversion, Pima County Recorder F. Ann Rodriguez, will provide the political parties with another data file.

Chris Roads informed the Commission that the budget the Legislature adopted before adjournment included a provision and funding to refund the four (4) counties involved in the CD8 primary election, to include a portion of the election costs. Bills must be submitted by the Clerk of the Board of the respective counties, despite the Clerk's Offices not having election duties for decades. The Recorder's Office is auditing their bills, and will submit them to Robin Brigode, of the Clerk's Office, to have those transmitted. Chris Roads notes that the Recorder's Office estimates their bill as totaling \$845,000 for both the primary and general elections, and warns that the State takes their time on reviewing bills from the County.

Currently, Proposition 200 remains in effect, although preemption was deemed invalid with regard to the federal voter registration form. The State is appealing that decision, despite winning 90% of the ruling when Prop 200 was challenged in court. With Summer break approaching, the Recorder's Office may not hear a ruling on preemption until October or November 2012.

The Elections Department creates precinct maps with Transportation, who forwards the maps to the Recorder's Office. The Recorder's Office programs the maps into their system and if the public has questions on their precinct location, they can contact the Recorder's Office or visit their website.

Libraries are interested in helping during the elections, and have numerous polling places around the County. Barbara Tellman had previously raised the issue of increasing the number of drop-off boxes for early ballots. The libraries cannot commit to having staff watch the ballot box the entire time, but another option is to allow a "mailbox" type of drop-off box, which can be placed at the libraries, and ballots can be retrieved when needed.

Chris Roads has had several meetings with the Post Office as to the upcoming closure of the Cherrybell location. There were several procedures established to deal with the logistics. Currently, the Recorder's Office sends a staff member to the post office at 6:30 pm on election night. Cherrybell does a plant sweep and hands over all ballots received at the location. Cherrybell staff has agreed to continue that procedure for the upcoming elections.

Once Cherrybell closes and the changes are implemented, all mail will be processed, sorted in Phoenix, and brought back to Tucson. Any Business Reply (ballots) will be processed through the business reply system in Tucson. The Cherrybell location will not close until 2013.

Concerns for the Upcoming Election

Jim March had planned to observe the closing of the polls and Charles Geoffrion suggested that the request could be accommodated, although coordinating that request would go through Brad Nelson.

Jim March states that he had emailed Brad Nelson at the Elections Department regarding this request. He explains that Brad seemed to exclude the possibility of observing under the credentials of the EIC. Brad Nelson explains that according to the Procedures Manual, political party observers are allowed to observe after the polls close, as long as that party has a candidate on the ballot. Jim March's party, the Libertarian Party, does not have a candidate on the CD8 primary or the CD8 general. If there's a particular precinct Jim March wants to observe after it's closed, Jim was instructed that he could contact Brad right before closing and Brad (or

his designee) would meet Jim there to assist. Brad Nelson agrees to this request, and will work out the details with Jim.

Benny White explains that there's no statutory provision for Jim March using the EIC as his observer credentials, and asks that Jim March use his statutory authority and observe as a party observer.

Legislation

There's a statute that has passed allowing non-verbal electioneering to occur within the polling places in the future. This does NOT include the June 12th elections, as the statute has not been pre-cleared. This statute does not extend to poll watchers or poll workers; only voters.

Brad Nelson will be looking out for any proposed legislation dealing with County funding issues as it relates to the Presidential Preference Election. The reimbursement rate of \$1.25 per registered voter was from 1996. Expenses have increased significantly, but the reimbursement rate remains the same. Brad has proposed legislation for similar elections (PPE/Congressional Vacancies) to increase the reimbursement rate.

The Open Elections, Open Government Proposition may make it to an upcoming ballot. This proposition proposes that elections include one (1) ballot, where all candidates, despite party affiliation, are on the same primary ballot. The top two (2) candidates who get the most votes move on to the general election. Brad Nelson likes the idea of having one (1) ballot and there could be some monetary savings, but he's still researching the pros and cons.

Petition submittals are due July 5th and 250,000 signatures are needed for a state-wide initiative.

Item 7: Open Meeting Law Clarification – John Moffatt / Charles Geoffrion

Dr. Moffatt reminds the Commission that there are Open Meeting Laws to be cognizant not to establish a quorum when discussing Commission items outside of meetings. Dr. Moffatt and Catherine Hanna are non-voting participants; therefore, all information regarding Commission consideration and items of discussion are to go through them and not exchanged through Commission members, via email, etc.

Item 8: Cost of Elections Analysis – Charles Geoffrion / Brad Nelson / John Moffatt

Last summer, John Moffatt met with a representative from the Secretary of State's Office to discuss a template to outline cost categories to consider for elections. The Secretary of State's Office was interested in a template, as well. Recent follow-up has not generated any additional information from that office.

Dr. Moffatt refers the Commission to the provided handout (attached). Dr. Moffatt will meet with the Election Department to gather more information in the template. Outlining the costs for these categories could allow departments to consolidate, hence make their necessary tasks more cost efficient.

The Commission is asked to review the handout and send all comments and additions/deletions to Dr. Moffatt or Catherine Hanna. Dr. Moffatt will work with Brad Nelson and Chris Roads to identify mechanisms to separate the costs.

Materials provided: Pima County Election Integrity Commission Preliminary Election Cost Categories, from Dr. John Moffatt.

Item 9: 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.

Arnie Urken created a memorandum with creative options on generating revenue for elections and it was distributed during this meeting (attached). Arnie is looking for feedback as to the revenue ideas.

Discussion

Barbara Tellman sees a conflict between the advertising value and the donating subject, placing the money in a common fund, and advertise that the ad was paid for by the “funds” rather than the advertiser. Arnie understands, although this mechanism is new and requires that distribution be random and not controlled by the advertiser. Arnie believes a mobile application is the best option, at this time.

Tom Ryan is opposed to the entire issue. He believes it’s an incentive to the responsible governing body to reduce the funding, and views elections as an essential government service, paid for in full, with tax-payer money. Dr. Ryan feels that outside entities donating money to this cause, detracts from that essential government service responsibility.

Dr. Moffatt states that more and more items are being underwritten on government levels because people can’t afford to get them all done. Another possibility is to use the casinos as a source of revenue through grant programs, which the Tohono O’odham Nation and the Pascua Yaqui tribes are required to do, by state law.

Arnie seeks additional suggestions from the Commission. Dr. Moffatt would like to research the cost analysis on these suggestions before he brings it to the attention of the Board of Supervisors.

Arnie will research cost for these suggestions and bring them back to the Commission for additional consideration. Benny White suggests Arnie have a discussion with the University of Arizona regarding marketing strategies, and inquire about the business and cost aspects of these ideas.

Item 10: Call to the Audience

No audience members have comments for the Commission.

Item 11: Next Meeting Date and Time

The Commission will meet again on Friday, July 13, 2012, at 9:00 am, Pima County Administration Building, 130 W. Congress, 6th Floor, Finance Training Room, Tucson, Arizona 85701.

Item 12: Agenda Items-New Business

Charles Geoffrion asks the Commission for new business. Mickey Duniho would like a Best (Election) Practices agenda item for the July meeting.

Dr. Ryan asks that Brad Nelson update the Election Department Performance spreadsheet for the Commission. Additionally, Dr. Ryan asks that an agenda item be added to discuss election equipment and equipment upgrades, possibly bringing in a vendor to discuss their products.

Jim March likes the idea of graphical scanning, but is concerned about manipulation, and asks that an independent security analysis be conducted should a vendor be invited to a Commission meeting.

Item 13: Adjournment

Tom Ryan motions to adjourn the meeting; Barbara Tellman seconds the motion. Meeting adjourned at 12:00 p.m.

DRAFT