



**PIMA COUNTY ELECTION INTEGRITY COMMISSION
MEETING SUMMARY FOR APRIL 19, 2013**

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

The Pima County Election Integrity Commission met in regular session on April 19, 2013, in the Pima County Administration Building, Pima County Board of Supervisors First Floor Conference Room, 130 W. Congress, Tucson, Arizona 85701.

ITEM 1. ATTENDANCE

Present: Pat Pecoraro, Mickey Duniho, Bill Beard, Barbara Tellman, Benny White, Elaine Lim, and Tom Ryan.

Absent: Arnie Urken and John Moffatt.

Others in Attendance: Brad Nelson, Pima County Elections Director; Roger Randolph, City Clerk for the City of Tucson; Ed Wittke, Pima County Information Technology; Christopher Cole, Member of the Libertarian Party; and Erik Reichstein, Arizona Secretary of State's Office; and the following representatives from Election Systems & Software (ES&S): Kathy Rogers, Senior Vice President Government Relations; Ken Carbullido, Senior Vice President Systems; and Paul S. Harrington, Regional Sales Manager

ITEM 2. PLEDGE OF ALLEGIANCE

Those in attendance stood for the Pledge of Allegiance.

ITEM 3. APPROVAL OF MEETING SUMMARY – March 15, 2013

Approval of the Minute Summary for March 15, 2013 was postponed until May 17, 2013.

ITEM 4. VENDOR PRESENTATION – ELECTION SYSTEMS AND SOFTWARE (ES&S)

Representatives from Election Systems and Software (ES&S) presented an overview of their firm's experience, current election equipment and software capabilities and future product development.

- **Consensus on Presentation Components – Brad Nelson – No Discussion**

ITEM 5. SUBCOMMITTEE REPORTS

- **Tracking Election Integrity in the Legislature Subcommittee – Barbara Tellman**
Tellman provided an update on the legislative bills but noted that many had been removed due to "no action". The amendments and her comments are included in Exhibit 1, "Bills of Special Relevance".
- **Election Equipment Criteria Development Subcommittee – Tom Ryan, Arnie Urken, Brad Nelson**
Ryan asked for the status on election equipment criteria development and Nelson advised that the input from the Members has helped IT tremendously. Ryan advised that he would be absent for the next meeting but asked Nelson to convey to the other vendors that a technical presentation was preferred. Nelson responded that he had already conveyed to Dominion; however, they were still planning to include an equipment demonstration along with their technical presentation.

ITEM 6. ELECTIONS PROCEDURES MANUAL REVISIONS – Brad Nelson/Benny White

Nelson reported he was unable to attend the April 16, 2013 meeting on the revisions to the Secretary of State's Procedures Manual and advised that the next two are scheduled for May 16 and June 11, 2013. Beard, who attended the meeting, stated that there were a number of attendees from around the State including Chris Roads from Pima County and representatives from Navajo and Yavapai Counties. The group made it through about one-half of the proposed changes, discussed technical changes in the law, and expressed the need for consistency to insure that the approved changes are carried through to all of the affected sections of the Manual. Although a majority of the recommended changes were accepted, the few that needed further clarification will be discussed again at next month's meeting. Beard thought that accepted changes would be circulated for further comment before approval. Tellman noted that she had received a copy of the proposed changes and would send it to Castro for distribution to the Members.

Nelson requested returning to Item 5 on the agenda and noted that he and Erik Reichstein had discussed that Yavapai County and other Counties in the State are interested in looking at a more robust, advanced tabulation system. Yavapai County has noted that their central count and DRE work very well; however, their precinct scanners (which are the same as ours) are failing at an alarming rate. With the trend reflecting that more and more people are voting via mail, they are contemplating continuing to use paper ballots at the polling places and vote centers in 2014, but not placing scanners at those locations. Instead of scanning the ballots at the remote locations, they would be collected, secured and brought to central count during the day. Nelson stated that his review of the Secretary of State's Procedures Manual, Arizona Revised Statutes and HAVA appears to allow this process; however, he wanted to know how the Members felt about not having a ballot actually scanned at the polling place. The Members discussed various issues that could arise by such a change including over votes, ramifications of having one less transmission record for security, and SOS Manual and Statutory changes. It appeared that the biggest concern related to insuring security during transmission of the ballots from the voting location to central count. Nelson stated that Yavapai's motivation for the change was why spend a substantial amount of money on equipment that has the potential for less and less use in the future, but he felt that such a recommendation would not be approved here. Duniho stated that because the trend seems to be moving towards all mail votes, Yavapai's logic makes sense and commented that Pima County will eventually have to bite the bullet and transition to all mail votes.

Ryan asked Nelson if he was advocating for any specific changes in the SOS Manual revision process. Nelson replied that he is interested in the sorting of ballots by Precinct or Legislative District and has asked for review and discussion to see if any changes would be required. He has also requested that if this provision is included, it be presented as an option and not a requirement in the Manual.

ITEM 7. GENERAL ELECTION (2012) UPDATE – Brad Nelson

Nelson advised that there is nothing more to report on this item and requested that this item be removed from future agendas and the Chairman agreed.

ITEM 8. ANTICIPATED ELECTIONS FOR 2013 – Brad Nelson

Nelson advised that according to the Clerk, the Town of Oro Valley's plan to hold a Franchise Election in May 2013 has been postponed. The City of South Tucson and the Towns of Sahuarita and Marana will all conduct Elections in May of 2013.

Duniho asked for an update on the City of Tucson lawsuit. Nelson reported that he had been advised by the Attorney General's (AG) Office that City of Tucson Clerk Randolph had submitted an affidavit stating that one of the potential scenarios could be that Pima County would not allow the City of Tucson to be on their ballot. Nelson responded to the AG's Office that he does not speak for Pima County and has no idea whether the Board of Supervisors would deny the City of Tucson, or any other municipality for that matter, to piggy back on their ballot.

ITEM 9. GEMS SOFTWARE/PRODUCTION OF ELECTION INFORMATION FOR PARTIES – Tom Ryan/Benny White

Data Analysis Update

Ryan reported that there is nothing new to report on this item and asked that it be removed from the agenda. He confirmed Pecoraro's understanding that the Pima County Elections Department would continue producing the data. The Members briefly discussed the type and content of reports that would be produced upon request, and reached consensus that the raw data that GEMS produces could be given to any requesting party for generating their own reports.

ITEM 10. NEXT MEETING DATES AND TIMES

- May 17, 2013 – Dominion Vendor Presentation Scheduled to be held at the Pima County Election Center, 6550 South Country Club, Tucson, at 9:00 a.m.
- June 21, 2013 – Unisyn Voting Solutions, Inc. – Tentatively Scheduled – Board of Supervisors, 1st Floor Conference Room, 130 W. Congress, Tucson, at 9:00 a.m.

Ryan advised that he will be gone from May 15 to June 8, 2013, and advised that Tellman will be chairing the May 17, 2013 meeting. He asked about the June meeting presentation, and Nelson reported that he was having difficulties in obtaining a response from Unisyn. Ryan also inquired whether the criteria development process would require additional input from the Commission after the presentations were concluded. Nelson responded they were almost "there" on the development of the criteria, but would be happy to take additional suggestions and/or comments from the Members. Pecoraro suggested, and the Members agreed, that in the event a presentation is not confirmed for June 21, 2013, the Commission could use that time to review the criteria. Duniho inquired about the tentative deadline for completion of the RFP and Nelson responded that, in order to stay on schedule, he hoped that the RFP would be completed by August or September 2013. Castro will send an editable document of the criteria to the Members so that they can add questions or information to the list - particularly those items that might have been brought to light at the ES&S presentation. Castro will incorporate any new information into the existing criteria list and forwarded to the Commission.

ITEM 11. NEW BUSINESS

- Nelson advised that he had heard that the Green Party would be recommending an appointment to fill their vacancy on the Commission in the near future. He will also contact the Chair of the Libertarian Party to obtain their written recommendation to appoint Christopher Cole to fill their vacancy on the Commission.
- The Ballot Scanning Pilot Program will be added to the next meeting agenda to allow White to update the Members on its potential revival.
- Revision of the EIC Bylaws will be added to the agenda for the purpose of clarifying and defining a "quorum" with respect to vacancies. It was the consensus of the Members that the Commission does have the authority to amend and approve their own bylaws. Castro will investigate to see who on the County staff could further verify this.

ITEM 12. CALL TO THE AUDIENCE

No one appeared.

ITEM 13. ADJOURNMENT

With no further business, it was moved by Barbara Tellman, seconded by Bill Beard and unanimously carried to adjourn the meeting at 12:15 pm.

BILLS OF SPECIAL RELEVANCE TO THE COMMISSION

April 19, 2013

Tellman noted that many of the bills have been removed or are being held. Beard stated that in talking with a number of legislators, the feeling is that until Medicare and the budget issues are resolved, most of these bills are not going anywhere. Bills that are not reflected on this listing were removed due to anticipation of no further action.

SB 1003 – early ballot **(Passed Senate Elections Committee and Senate amended; Passed House Judiciary, Assigned Gov., and Rules – On Hold)**

A VOTER MAY DESIGNATE THE VOTER'S SPOUSE, CHILD, PARENT, GRANDPARENT, GRANDCHILD, BROTHER, SISTER OR A PERSON RESIDING IN THE SAME HOUSEHOLD AS THE VOTER TO RETURN THE BALLOT TO THE ELECTIONS OFFICIAL FROM WHOM IT CAME OR TO THE PRECINCT BOARD AT A POLLING PLACE WITHIN THE COUNTY. NO EARLY BALLOT SHALL BE RETURNED BY ANY PAID OR VOLUNTEER WORKER OF ANY POLITICAL COMMITTEE AS DEFINED BY SECTION 16-901(19) OR ANY OTHER GROUP OR ORGANIZATION WHOSE BEHEST THE INDIVIDUAL DESIGNATED TO RETURN THE BALLOT IS PERFORMING A SERVICE. ANY PERSON WHO KNOWINGLY VIOLATES THIS SUBSECTION IS GUILTY OF A CLASS 5 FELONY. THIS SUBSECTION DOES NOT APPLY TO A CANDIDATE OR A CANDIDATE'S SPOUSE. Amended to say that a ballot can be delivered by anyone, but the voter must sign a statement to the effect that he/she voted the ballot and gave it to the other person; no paid person may deliver (except the mail carrier!).

SB 1261 - permanent early voting lists, amendments - **(Passed Senate Elections Committee; Passed Senate Amended; Assigned House JUD, GOV. Rules; Stopped due to substantial vocal opposition.)**

L. NOTWITHSTANDING SUBSECTION K OF THIS SECTION, BY DECEMBER 1 OF EACH EVEN-NUMBERED YEAR, THE COUNTY RECORDER OR OTHER OFFICER IN CHARGE OF ELECTIONS MAY SEND A NOTICE TO EACH VOTER WHO IS ON THE PERMANENT EARLY VOTING LIST AND WHO DID NOT VOTE AN EARLY BALLOT IN BOTH OF THE MOST RECENT PRIMARY AND GENERAL ELECTIONS. THE NOTICE SHALL INFORM THE VOTER THAT IF THE VOTER WISHES TO REMAIN ON THE PERMANENT EARLY VOTING LIST, THE VOTER SHALL DO BOTH OF THE FOLLOWING WITH THE NOTICE RECEIVED:

1. CONFIRM IN WRITING THE VOTER'S DESIRE TO REMAIN ON THE PERMANENT EARLY VOTING LIST.
2. RETURN THE COMPLETED NOTICE TO THE COUNTY OFFICER IN CHARGE OF ELECTIONS WITHIN THIRTY DAYS AFTER RECEIPT BY THE VOTER. THE NOTICE SHALL BE SIGNED BY THE VOTER AND SHALL CONTAIN THE VOTER'S ADDRESS AND DATE OF BIRTH.

M. IF A VOTER RECEIVES A NOTICE AS PRESCRIBED BY SUBSECTION L OF THIS SECTION AND THE VOTER FAILS TO RESPOND WITHIN THE THIRTY DAY PERIOD, THE COUNTY OFFICER IN CHARGE OF ELECTIONS SHALL REMOVE THE VOTER'S NAME FROM THE PERMANENT EARLY VOTING LIST. THIS SUBSECTION DOES NOT APPLY TO VOTERS WHO FAILED TO VOTE AN EARLY BALLOT AND WHO MODIFIED THEIR VOTER REGISTRATION INFORMATION DURING THE PERIOD FOR EARLY VOTING FOR EITHER THE IMMEDIATELY PRECEDING PRIMARY OR GENERAL ELECTION.

N. A candidate, A political committee or other ANOTHER organization may distribute permanent early voting list request forms to voters. PERMANENT EARLY VOTING LIST REQUEST FORMS THAT ARE DISTRIBUTED BY A CANDIDATE, A POLITICAL COMMITTEE OR ANOTHER ORGANIZATION SHALL INCLUDE THE FOLLOWING STATEMENT: NOTICE: BY SIGNING THIS FORM YOU ARE AGREEING TO RECEIVE AN EARLY BALLOT FOR EVERY ELECTION IN WHICH YOU ARE ELIGIBLE TO VOTE. YOU ARE INFORMING THE RECORDER THAT YOU DO NOT WISH TO VOTE AT YOUR ASSIGNED POLLING LOCATION FOR ALL ELECTIONS. IF YOU WOULD LIKE TO VOTE AT YOUR ASSIGNED POLLING LOCATION, DO NOT SIGN THIS FORM.

PERMANENT EARLY VOTING LIST REQUEST FORMS THAT ARE SUBMITTED WITHOUT THE STATEMENT PRESCRIBED BY THIS SUBSECTION ARE VALID FOR PURPOSES OF REQUIRING THAT THE VOTER BE SENT AN EARLY BALLOT FOR THE IMMEDIATELY SUCCEEDING ELECTION, BUT THAT VOTER'S NAME SHALL NOT BE PLACED ON THE PERMANENT EARLY VOTING LIST.

Amendment passed:

Classifies as a class 6 felony, rather than a class 5 felony, knowingly altering a voter registration form without the consent of the person who is the registrant on that form. Permits the county recorder or other officer in charge of elections to send a notice, by December 1st of each even-numbered year, to voters on the permanent early voting list who did not vote an early ballot in the primary election and the general election for the two most recent general elections for federal office, rather than both of the most recent primary and general elections. Modifies the applicability clause to apply to voters who did not vote an early ballot in the 2010 primary and general elections.

END OF MINUTES – EXHIBIT 1 FOLLOWS:

LEGISLATIVE UPDATE – BILLS OF RELEVANCE

April 19, 2013 EIC Meeting

SB 1387 (Held in Committee)

2 SECTION 1. ONLINE VOTING PILOT PROGRAM; SECRETARY OF STATE; CRITERIA; DELAYED REPEAL

A. NOTWITHSTANDING ANY OTHER LAW AND BEFORE THE 2014 PRIMARY ELECTION, THE SECRETARY OF STATE SHALL ESTABLISH A PILOT PROGRAM THAT PROVIDES A METHOD FOR REGISTERED VOTERS TO VOTE ONLINE BY USE OF A SECURE INTERNET PORTAL. THE METHOD ESTABLISHED SHALL PROVIDE FOR ALL OF THE FOLLOWING:

1. SECURELY IDENTIFYING AND AUTHENTICATING VOTERS FOR ONLINE VOTING.
2. ENSURING THAT THE ONLINE VOTER IS REGISTERED AND ELIGIBLE TO VOTE IN THAT ELECTION.
3. MAKING AND RETAINING A SECURE AND ACCURATE RECORD OF THE VOTES CAST AND PROVIDING FOR POST-ELECTION VERIFICATION OF VOTER IDENTIFICATION AND ELIGIBILITY.
4. IMPLEMENTATION OF THE PILOT PROGRAM IN AT LEAST ONE COUNTY AND AT LEAST ONE CITY, TOWN OR OTHER LOCAL ELECTION JURISDICTION.
5. ADVANCE REVIEW AND APPROVAL OR REFUSAL OF A JURISDICTION'S PROPOSED ONLINE VOTING PROCESS ESTABLISHED PURSUANT TO THIS SECTION.

B. THE ONLINE VOTING PILOT PROGRAM SHALL BE OFFERED AS AN ADDITIONAL METHOD OF VOTING THAT IS INTENDED TO SUPPLEMENT EARLY VOTING AND VOTING AT A POLLING PLACE OR VOTING CENTER. THE SECRETARY OF STATE SHALL CONSULT WITH COUNTY, CITY AND TOWN ELECTIONS OFFICERS IN DEVELOPING THE ONLINE VOTING PILOT PROGRAM AND SHALL PROVIDE AN OPPORTUNITY FOR REVIEW AND COMMENT BY THE PUBLIC BEFORE FINALIZATION AND IMPLEMENTATION OF THE PROGRAM IN ANY ONE OR MORE JURISDICTIONS.

C. THIS SECTION IS REPEALED FROM AND AFTER DECEMBER 31, 2016.

OTHER BILLS

SB 1260 - changes rules for petition amendments **(Passed Senate amended; assigned House JUD, GOV RULES)**

SB 1262 - campaign finance limits; recall election **(Passed Senate amended; Passed House Judiciary)**

SB 1264 - changes rules for referendum and recall - **(Passed Senate Amended; Passed House Committees; Removed from Consent Agenda by Objection)**

SB 1276 (Passed Senate EL Amended and APP – Signed by the Governor)

ON A SPECIFIC FINDING OF THE BOARD THAT THE NUMBER OF REGISTERED VOTERS IN THE PRECINCT WHO ARE LISTED AS PERMANENT EARLY VOTERS PURSUANT TO SECTION 16-544, WHEN SUBTRACTED FROM THE NUMBER OF ACTIVE REGISTERED VOTERS IN THE PRECINCT, WILL RESULT IN A TOTAL OF THREE HUNDRED FIFTY OR FEWER ACTIVE REGISTERED VOTERS IN THAT PRECINCT, THE OFFICER IN CHARGE OF ELECTIONS MAY CONDUCT THE ELECTION BY MAIL.

HB 2156 – elections; public resources prohibited (~~Passed House with amendment; assigned to Senate EL and Rules – Signed by the Governor~~)

A. NOTWITHSTANDING ANY OTHER LAW, THIS STATE AND ALL POLITICAL SUBDIVISIONS OF THIS STATE, INCLUDING CITIES, TOWNS, COUNTIES, SPECIAL DISTRICTS, SCHOOLS OR CHARTER SCHOOLS AND ANY PUBLIC AGENCY, DEPARTMENT, BOARD, COMMISSION, COMMITTEE, COUNCIL OR AUTHORITY SHALL NOT SPEND OR USE PUBLIC RESOURCES TO INFLUENCE AN ELECTION, INCLUDING THE USE OR EXPENDITURE OF MONIES, ACCOUNTS, CREDIT, MATERIALS, EQUIPMENT, BUILDINGS, FACILITIES, VEHICLES, POSTAGE, TELECOMMUNICATIONS, COMPUTER HARDWARE AND SOFTWARE,

15 WEBPAGES AND PERSONNEL AND ANY OTHER THING OF VALUE OF THE PUBLIC ENTITY.

B. THIS SECTION DOES NOT PROHIBIT:

1. THE USE OF PUBLIC RESOURCES, INCLUDING FACILITIES AND EQUIPMENT, FOR GOVERNMENT SPONSORED MEETINGS, FORUMS OR DEBATES IF THE GOVERNMENT SPONSOR REMAINS IMPARTIAL AND THE EVENTS ARE PURELY INFORMATIONAL AND PROVIDE AN EQUAL OPPORTUNITY TO ALL VIEWPOINTS. THE RENTAL AND USE OF A PUBLIC FACILITY BY A PRIVATE PERSON OR ENTITY THAT MAY LAWFULLY ATTEMPT TO INFLUENCE THE OUTCOME OF AN ELECTION IS PERMITTED IF IT DOES NOT OCCUR AT THE SAME TIME AND PLACE AS A GOVERNMENT SPONSORED EVENT.

HB 2282 – recall elections – (~~Voted down in Senate~~)

HB 2306 - changes campaign finance limits - (~~Passed House; Held Senate EL~~)

****Note: Underline indicates proposed deletions and CAPS proposed additions.**