



PIMA COUNTY ELECTION INTEGRITY COMMISSION
<http://www.pima.gov/commission/ElectionIntegrity.shtml>

MEETING SUMMARY – January 18, 2013

The Pima County Election Integrity Commission met in regular session on January 18, 2013, in the Pima County Administration Building, Pima County Board of Supervisors 1st Floor Conference Room, 130 W. Congress, Tucson, Arizona 85701.

ITEM 1. ROLL CALL

Present: Pat Pecoraro, Arnie Urken, Benny White, John Moffatt, Mickey Duniho, Bill Beard, Barbara Tellman and Tom Ryan

Absent: Jim March and Elaine Lim

Also in attendance: Brad Nelson (arrived at 10:00 AM)

Note: Tom Ryan, Vice Chairman, welcomed Bill Beard who is the new representative for District 1 to the Commission and expressed his appreciation to the prior District 1 representative, Charles Geoffrion, for serving as the Commission Chairman since its inception

ITEM 2. PLEDGE OF ALLEGIANCE

Those in attendance stood for the Pledge of Allegiance.

ITEM 3. APPROVAL OF MINUTE SUMMARIES

Tom reported that the Meeting Summary for December 14, 2012 was distributed electronically and asked if there were any changes or comments. With no discussion, it was moved by Barbara Tellman, seconded by Benny White and unanimously carried to approve the Summary as submitted.

ITEM 4. SUBCOMMITTEE REPORTS

- Tracking Election Integrity in the Legislature Subcommittee – Barbara Tellman
- Ballot Scanning Subcommittee – Benny White

Tracking Election Integrity in the Legislature Subcommittee

Barbara Tellman distributed copies of an article from the Capital Times, "Lawmakers Crafting Responses to Election Concerns", dated January 18, 2013, pertaining to the establishment of committees in the Senate and the House dealing with Election Integrity issues, and indicating that there is currently one Omnibus Bill and as many as 10 pieces of election reform legislation for the spring 2013 legislative session. She felt that much of the pending legislation is being prepared as an over-reaction to the problems associated with the 2012 General Election, particularly in the area of Early and Provisional Ballots. Barbara reminded the Members that F. Ann Rodriguez had previously reported that Recorder's Association Members are also proposing a change that would make it more

difficult to check the registration form to get on the Permanent Early Voting List (PEVL). Proposed changes would require voters to fill out a separate form rather than just checking a box, and making it easier to remove people from the list if they do not vote after being sent an early ballot.

Lobbying Efforts

Barbara noted the importance of staying on top of anything that affects election procedure or the ability to vote. She asked if the Commission could request that the Board of Supervisors have the lobbyists follow up on pertinent proposed legislation and pass it on to the Members. John responded it was unnecessary to contact the Board because Martin Willett, Chief Deputy County Administrator, tracks and monitors all proposed legislation (as well as associated costs) that may impact Pima County, and forwards the information to the appropriate parties. He stated that Martin will forward pending Elections legislation to John for distribution to the Commission if it looks like that legislation will gain some traction.

The Members also confirmed access to the legislative data base from the outside - noting that there is an undefined lag time in posting new data and expressed concern that the focus of the new committees will have a "Maricopa County" emphasis. Barbara advised that the Democratic Party plans to have input on the PEVL and other issues at the State meeting next week. Benny was not aware of the Republican Party plans for comments.

Ballot Scanning

Benny recapped a recent conversation with the Secretary of State, Ken Bennett, regarding Deputy Secretary of State, Jim Drake's response to Mr. Huckelberry's letter on the Pilot Ballot Scanning Study referencing an opinion by the Attorney General's Office that the Secretary of State's office could not delegate the responsibility for the Pilot Ballot Scanning Project. He clarified the County's intention, emphasized the need to obtain more information from this project before purchasing new election equipment, and discussed required changes to the authorizing language to allow the project to move forward. Secretary Bennett expressed concern over their lack of resources to handle this type of project and Benny clarified that Pima County would perform the work. At the end of the discussion, he found the Secretary to be supportive of the project and Benny advised that he would follow up with Jim Drake as well to clarify any further misunderstandings.

In response to the Attorney General's position that the Secretary of State cannot delegate responsibility for doing this type of project, Benny distributed copies of his proposed changes to the authorizing language to the Members. These changes include verification that the work will be done by Pima County and stipulates that ballot images would not be published in any form that would not protect voter privacy. Tom and Arnie were asked to help review the language so the document could be sent to Jim Drake's office for his review and for subsequent submission to the Legislature. Benny suggested that Party representatives also pursue simultaneous and parallel movement with the legislators in the Senate and House to insure support. Copies of the final draft of the proposed language will be forwarded to the Commission Members before submission to the State to insure that everyone is on the same page. Hopefully, the proposed language will be sufficient for the Secretary of State to write a simple authorization letter to allow Pima County to proceed. The Members also discussed:

- Costs for the study are estimated to be in the range of \$20,000 to \$30,000 and Jim Drake advised that Pima County has sufficient HAVA dollars to cover the expense. Mr. Huckelberry is willing to allocate some amount of money to resolve this issue as it will help restore public confidence in Elections systems.

- Larry Moore from Clear Ballot suggested that their charges for assistance with this project would primarily cover out of pocket expenses including transportation and hotel accommodations for 2 or 3 people.
- Runbeck was identified as another potential vendor who wants to get into the business but Members were unclear where they are in the process.
- Both the Secretary of State's and Pima County Attorney's Offices are concerned over voter information becoming public particularly in the case of scanned ballot images.
- There is interest in obtaining this kind of information across country because there is value and more credence in an independent analysis versus an analysis from the vendor. Consequently, there are opportunities for earning some potential revenue to help offset costs; however, all data would have to be scrutinized and sanitized to maintain voter privacy.
- No new information has been received from Larry Moore on the Florida test.

Tom suggested that perhaps the legislation should give more authority to the County, but Benny felt the primary authority should be with the Secretary of State's Office. Tom suggested that the proposed legislation will allow the County to take the initiative with authorization from the Secretary of State - which in turn does give more authority to the County.

RFP Process

Benny asked Tom and Arnie Urken to begin drafting language for a statement of work/request for proposal (RFP) for elections equipment. The estimated timeline for the RFP will be based on approval date of the anticipated legislative action. September would be the earliest date approval date if the legislation is signed into law without an emergency clause. Benny stated that he has asked for an Emergency Clause to be included so that the testing could be done within a late May or June time frame. He noted that there is a break in the election processes between late May and mid-July. If the testing cannot be done prior to the resumption of election activities in mid-July, it would be problematic to complete the scanning part of the project this calendar year.

Members agreed that interested groups (i.e. County Election Directors and Recorders, Pima County Communications, etc.) should be engaged in the statement of work process. John offered his assistance and explained that IT will provide the detailed structure for the RFP. Once the structure is filled with content by the Commission, Procurement will wrap their required components around the structure and produce the RFP. John will send a sample of IT's standard RFP to the Members.

ITEM 5. GENERAL ELECTION UPDATE – Brad Nelson

Report Cards

Brad Nelson provided an overview of the major components and methods of input that create the Report Card. Based on voter turnout at the polls, he anticipated that the Board of Supervisors would be asked to approve another 15-20% reduction in Precincts by December, 2013 in order to give the County Recorder time to prepare for March, 2014. The reduction in polling places could also potentially increase the number of voting sites with multiple ballot styles; however, efforts will be made to minimize the number of Precinct splits. Discussion of other related topics included:

- Significant improvement in numerous areas detailed in the Elections Report, many of which were attributed to the Elections Training Program
- Handling of staff performance, evaluations, training and methods for remedial and permanent corrective action.

- Party and poll worker observation reports
- Prosecution of intentional and repeated criminal voter fraud
- Identification of transition areas with higher the usual provisional ballots voted
- It would be helpful if the new system could help resolve the problems associated with daily accounting and reconciling of special ballots and insuring that the proper ballots have gone to the appropriate voters.
- The problem with “Piggy Backed Elections,” where one-half of the district is in the City and the other in the County, voters are often given incorrect Ballots and needs to be corrected administratively.
- Improvements to future ballot designs could help relieve the complexity issues related to issuing and processing of different ballot types.
- Recorder’s Office Election Findings are acknowledged and addressed by the Elections Department procedurally or through training.

Barbara noted that the response by the Democratic Party observers has not been received and Brad responded that he would follow up, and send that information to her.

Status or Lawsuits Regarding Consolidated Elections

Brad reported that the City of Phoenix, as well as some of the other municipalities in the metropolitan areas have also joined in the lawsuit initiated by the City of Tucson. Benny thought that there might be a hearing date set in March, 2013.

Anticipated Elections for 2013

Pat Pecoraro inquired about the 2013 Election Schedule. Brad responded that municipal Elections are scheduled for March 12, 2013. Sahuarita and Marana will be all mail votes and the City of South Tucson will be at the Polls. The Town of Oro Valley, which will also be all mail vote, will have their Election in May of 2013. Brad is currently checking with the School Districts and suspects that any districts with issues that were not successful would be returning. He is also currently meeting with the School Superintendent and City of Tucson to look at the potential of consolidated Ballots in their anticipated Election.

Brad noted that there is proposed legislation this session that if a PEVL voter votes with a Provisional Ballot instead of the one mailed to them, they will be removed from the PEVL unless they return a card requesting that they remain on the list.

ITEM 6. GEMS SOFTWARE/PRODUCTION OF ELECTION INFORMATION FOR PARTIES – Tom Ryan/Benny White

Tom reported that he has the data on his computer and will get to it as soon as he can. Benny asked if a response has been received on the rescission of the Court Order for giving the perpetual data to the political parties. John responded that he was waiting for comments from the Commission. The Members continued the discussion which included the following points:

- If the data is being used, the process should continue but it appears that the Democratic Party is the only one who has demonstrated an interest in the data.
- There are costs involved in accumulating, producing and transferring the data, security, cross controls, etc.
- If there is value or if this will cause a transparency issue, then the process should continue.

- The information can always be made available on request, the problem lies with the current need to generate the data on hard drives immediately following the Election.
- The data is already converted to MDB files and easily read with Microsoft Access
- The data provides a snapshot of the election from beginning to end and is a rich data set but is complicated to analyze.
- BW – can be generated, stored and archived – primary objection is that it has to be done immediately after the canvass, hard drives to record it on and no one uses it.
- Procedures are already in place for the operators to make the backups with the MDB and GBF files and put them in storage. As long as the data is available to the public then you still have transparency

John stated that he was not willing to support discontinuing the production of the drives unless it was the consensus of the Commission. Benny requested that John report back to the Commission at the next meeting to let them know if he wants to continue the process or is he comfortable with it being archived.

ITEM 7. 2012 GENERAL ELECTION COSTS - John Moffatt

John reported that he had to reschedule the meeting with Brad and Chris until January due to their schedules. He hopes to schedule a meeting for next week and hopes that the result will reflect the cost impacts of some of the decision that are made.

ITEM 8. ELECTION SYSTEM STANDARDS MODEL FOR PIMA COUNTY - Arnie Urken

Create a Subcommittee to Develop Parameters for an RFP

Arnie reported that they are not quite ready to form a subcommittee yet, but thought it was a good idea to have the vendors come down. He stated that he will place the item back on the agenda when they are ready.

John reported that Brad has been exploring various and new election equipment and system vendor avenues. During his attendance at a Florida conference dealing with problems related to the past Elections, he met a number of people who have had positive experiences with Poll Books. Brad intends to distribute some articles regarding proposed benefits to the Commission for discussion. John expressed his concern over of data transmission via IPADS with respect to security.

State Vendor Certification

- There was some question as to whether or not the Federal Certification process by the (EAC) is currently active. Some Members believed that the group may still be active as their website is updated occasionally.
- Most of the Arizona Counties, including Maricopa, have old equipment, and certification will be an issue as State statute requires use of Federally certified election systems.
- At a recent conference with the Elections Officers and Recorders, Secretary Bennett talked about regional certification. It seems he believes that a regional approach would provide for broader based intellectual discussion regarding the requirements, while spreading the load and the costs. There was also a suggestion that Arizona and Utah could put together a certification team in the future; however, that would require a change in Arizona law and Federal approval.
- The current process requires that the certification report goes from the certifying company back to the vendor, the vendor sends the report to EAC and then it becomes certified.

- Florida and California are doing their own certifications, and Washington has recently certified Diebold (now Dominion) for a trial in that area.
- It was confirmed that Brad was still working on vendor presentations for future meetings.

ITEM 9. BEST ELECTION PRACTICES – Mickey Duniho (Continued)

- Discussion on Voting – What Has Changed, What Hasn't & What Needs Improvement
- Best Practices List – Review

Mickey stated that he would like to remove this item from future agenda due to the opposition and lack of feedback received from the Members, Political Party Representatives, County Administrator and County Attorney. He noted that even though the Secretary of State's Procedure Manual contains language regarding the sorting of early ballots, the general consensus was that there was little to no support for this process. Barbara stated that the opposition was for this past Election and not the long term. Benny noted that they had obtained a waiver from sorting Early Ballots from the State for the last Election.

Mickey noted that although it appears that there is little to no support in legislature for increased transparency, he would be happy to bring the item back if the political atmosphere were to change. Many of the Members felt that there were other "Best Practice" avenues worth pursuing other than auditing, which should be narrowed down and pursued on future agendas.

ITEM 10. STRATEGIES FOR IMPLEMENTING NEW ELECTION INTEGRITY STANDARDS BEFORE THE NEXT GENERAL ELECTION - Barbara Tellman - (Request to Remove from Future Agendas)

Barbara requested that this item be removed from the agenda and replaced with specific items for discussion.

ITEM 11. PURSUANT TO ARTICLE VII, SECTION 1 OF THE ELECTION INTEGRITY COMMISSION BY-LAWS, SCHEDULE THE FEBRUARY, 2013 MEETING TO ELECT A NEW CHAIRMAN – Arnie Urken

Arnie suggested a one meeting notice be given for the Election of Officers. All Members agreed to conducting the election at the EIC meeting on Friday, February 15, 2013 and the following provisions:

- All interested candidates should submit their qualifications and why they are interested in the position to Joni Castro by Friday, February 8, 2013 for distribution to the Members prior to the February 15, 2012 meeting.
- By laws require that two-thirds of the qualified Members be in attendance to conduct the election.
- The successful candidate will be selected by majority voice vote.
- Brad advised the Green Party that they have a vacant seat and need to assign a representative.
- Joni will make one more attempt to contact Jim March regarding his attendance and Brad will also contact the Libertarian Party to request a replacement in the event there is no response. Bill noted that Jim is eligible to vote until his position is declared vacant; therefore he must be considered in the number of qualified voters for a quorum or motion.

ITEM 12. NEXT MEETING DATE AND TIME

The next meeting date has been scheduled for Friday, February 15, 2013, in the Board of Supervisors 1st Floor Conference Room

ITEM 13. NEW BUSINESS

John stated that the Legislative Topic would be included on the next Commission Agenda for February 15, 2013 and he would forward any information that he receives to the Members.

Note: John has been directed to attend the Bond Advisory Committee Meetings which often fall on the same day as the EIC Meetings. He advised that this could represent an ongoing conflict that may prevent him from attending all of the Commission Meetings.

ITEM 14. CALL TO THE AUDIENCE

No one appeared.

ITEM 15. ADJOURNMENT

As there was no further business to discuss, the meeting adjourned at 11:05 a.m.