



**PIMA COUNTY ELECTION INTEGRITY COMMISSION  
MEETING SUMMARY FOR JUNE 21, 2013**

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

The Pima County Election Integrity Commission met in regular session on June 21, 2013 in the Pima County Administration Building, Board of Supervisors 1<sup>st</sup> Floor Conference Room at 130 W. Congress, Tucson, Arizona.

**ITEM 1. ATTENDANCE**

Present: Tom Ryan, Arnie Urken, Pat Pecoraro, Mickey Duniho, Bill Beard, Barbara Tellman, Christopher Cole, Elaine Lim and John Moffatt.

Absent: Benny White

Others in Attendance: Brad Nelson, Pima County Elections Director; Ed Wittke, Pima County Information Technology; and Paul Griego, Authorized Representative, McDermot Coutts, Director, Research and Development from Unisyn Voting Solutions, Inc.

**ITEM 2. PLEDGE OF ALLEGIANCE**

Those in attendance stood for the Pledge of Allegiance.

**ITEM 3. APPROVAL OF MEETING SUMMARY – May 17, 2013.**

It was moved by Elaine Lim, seconded by Pat Pecoraro and carried unanimously to approve the Summary of May 17, 2013 Elections Integrity Commission Meeting.

**ITEM 4. VENDOR PRESENTATION – Unisyn Voting Solutions, Inc. (Unisyn)**

The representatives from Unisyn presented an overview of their firm's experience, election equipment and software capabilities.

**ITEM 5. SUBCOMMITTEE REPORTS**

• **Tracking Election Integrity in the Legislature Subcommittee – Barbara Tellman**

Tellman provided a brief update on the provisions of HB 2035 recently signed by the Governor Jan Brewer including:

- ✓ Changing the percentage of signatures required on nominating petitions. This change will basically eliminate the Libertarian and Green Parties' ability to acquire sufficient signatures for candidates. This will probably be contested.
- ✓ Removing the names of registered voters who have not used their Early Ballots for two consecutive elections from the PEVL. This could be challenged.

- ✓ Prohibiting party/organization volunteers or paid workers from collecting ballots. Duniho interprets the legislation as saying that as long as the individuals have not been directed by their party or their candidate to collect the ballots, they are entitled to drop them off at the appropriate collection center. Members feel the language is unclear, do not understand how this will be enforced, and believe that it will likely be contested.
- ✓ Establishing new and more complicated requirements for filing petition Initiatives.
- ✓ Requesting that individuals who turn in petitions insure that they are sorted by County.
- ✓ Suggesting that any political party may submit a list of all petition circulators accompanied by a copy of a verified criminal records check to the Secretary of the State's Office 45 days before the deadline for filing its petition. Provisions for failure to submit the list is not addressed in the Legislation.

Handout: *House Bill 2305*

- **Summary of the Syllabus from the Supreme Court of the United States – Arizona et al v. Inter Tribal Council of Arizona, Inc., et al. (October 2012).**

Tellman provided copies of the first three pages of the Summary and was disappointed that White had not been able to attend this meeting as he considers this to be an important issue. He believes that this Legislation only applies to voting for candidates in federal elections and not local and State candidates. General comments/discussion from the Members included:

- ✓ The National Voter Registration Act of 1993 (NVRA) requires States to “accept and use” a uniform federal form to register voters for federal elections. The federal form requires proof of citizenship. Arizona law requires voter-registration officials to reject any application for registration, including a federal form that is not accompanied by documented evidence of citizenship. White would like to take this matter to Court, but currently County Recorders throughout the State are accepting both forms and processing them according to the respective State or Federal Procedures.
- ✓ State Legislators seem to be moving forward with the idea of using a ballot strictly for federal offices and another for everything else. Approval will create the need for multiple ballots, a significantly more complicated ballot preparation/distribution process for Pima County, and require a procedure to determine how voters will get the appropriate ballot.
- ✓ The matter of conducting elections on even number of years and extending the terms for municipal offices to every two years for compatibility purposes is still in Court. If approved, a procedure will have to be established and incorporated into the Secretary of State's (SOS) Procedures Manual. This issue will be revisited once the Court has determined its position on the matter.
- ✓ Urken asked whether anyone is working on obtaining an exemption to conduct elections in even number of years and Nelson reported that Chartered Municipalities (City of Tucson is currently the only chartered municipality), can do whatever they want. However, this legislation will cause problems for the Recorders and Clerks of unchartered municipalities. If the issue goes forward, Nelson intends to consult with the County Attorney's Office to address issues that could result with ballots for voters with and without party affiliation. It was also noted by Nelson and Moffatt that Arizona Revised Statutes have provisions that provide for having an election when you need it or otherwise mandated by Statute (i.e. emergencies, bond elections which must be conducted in November, etc).

Handout: *Supreme Court of the United States, Arizona et al. v. Inter Tribal Council of Arizona, Inc., et al. (Attached)*

- **Election Equipment Criteria Development Subcommittee – Tom Ryan, Arnie Urken, Brad**

Nelson requested that this item be deleted from future agendas as there is no need for further discussion/action from the Members at this time due to the lack of funding. The following is a summary of comments pertaining to the purchase of election equipment and various alternatives that could be considered:

- ✓ Moffatt verified that he and Nelson were notified by the County's Chief Information Officer that funding for the purchase of new election equipment was not approved in the FY 2013-2014 budget. Consequently, staff from other County departments has been removed from the project; however, Wittke will continue to attend the EIC Meetings to help the Commission figure out alternatives.
- ✓ Nelson stated implementation of alternatives will depend on how the County wants to proceed. There are insufficient funds for placing new scanners and ADA equipment in every polling place, as well acquiring a new central count devices and software. There may be enough Help America Vote Act (HAVA) funds to implement a central count process, which has its advantages and disadvantages to be considered and analyzed.
- ✓ Current equipment, including the servers, is old but still workable. Nelson reported that \$5M was requested in the budget for the equipment/software. Although those funds were not approved, there is approximately \$1.2M in HAVA funds available. Election Department maintenance funds are minimal, because staff has been maintaining the equipment.
- ✓ Duniho noted that Humboldt County has reported that by going to all mail elections and eliminating voting places, they have saved enough money to purchase their new equipment. Nelson advised that he is working in that direction, but creating the voting centers will be the first step, as moving to all mail voting has not been approved by the Legislature.
- ✓ Moffatt has the raw data from the Elections Department and the Recorder's Offices to conduct the cost analysis of various alternatives. Other issues to consider in the case of a Central Count process will be additional tabulation time and paper management of the ballots. Press and political issues will also need to be considered. Moffatt advised that all facets including financial, logistical, political, and voter issues need to be addressed in the overall analysis.
- ✓ This item will be placed on the next agenda with the Cost of Elections to discuss options/alternatives with pros and cons.
- ✓ Moffatt will create a spreadsheet with common, as well as department specific categories, to facilitate easier analysis. Moffatt advised that all facets including financial, logistical, political, and voter issues must be ultimately addressed in the overall analysis of alternatives by the Members.
- ✓ Potential generation of revenue, desire and importance of some voters to vote in their local area, receiving early ballots on time now that mail goes to Phoenix first, the need for additional public education, staff and volunteer training, adequately sized facilities with parking and American Disability Act (ADA) access for voting centers, and how voting/ballot

processes will be handled in the case of a catastrophic event were also suggested by the Members for consideration as well.

- ✓ In response to Pecoraro's inquiry if election equipment is still on the Bond wish list, Moffatt responded that he would check and report back at the next meeting.

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

Nelson has requested a copy of the latest SOS Procedures Manual Revisions document once it has been approved by the SOS. He is hoping to receive the changes next week and will insure that Members receive a copy. He noted that if consolidation of Municipal Elections is approved, procedures will have to be included in the Manual as well but they are waiting on the outcome.

**ITEM 7. BALLOT SCANNING PILOT PROGRAM – Benny White**

Moffatt summarized the events that culminated in the Secretary of State declining Pima County's request to conduct this project in conjunction with their office. Although their response encouraged us to proceed on our own without their participation, Chuck Huckelberry, County Administrator, and Martin Willett, Deputy County Administrator, felt it unwise to pursue the project as they believed that nothing would be done with the results. Moffatt reported on a recent follow up conversation he had with Jim Drake, Deputy Secretary of State in Phoenix. Their position remains the same. Moffatt cited his opinion to Members on the reasons he felt factored in the SOS's decision not to participate. He commended White for his efforts to get this program approved, and the Members agreed that this issue should be removed from the agenda.

**ITEM 8. COST OF ELECTIONS - UPDATE – John Moffatt/Arnie Urken (Request to Continue to July 19, 2013)**

In response to a request by Duniho, Moffatt agreed to provide preliminary costs to the Members before the next meeting. See further discussion under Item 5, Subcommittee Reports, and Election Equipment Criteria Development on Page 3 of this Summary.

**ITEM 9. NEXT MEETING DATE**

The next meeting was scheduled for July 19, 2013. A decision will also be made on that day whether an August, 2013 meeting will be conducted as a number of Members may not be able to attend due to potential conflicts. Moffatt advised that he will not be able to attend the September meeting as well due to a conflict with the Bond Advisory Committee.

**ITEM 10. NEW BUSINESS**

No discussion/action.

**ITEM 11. CALL TO THE AUDIENCE**

No one appeared.

**ITEM 12. ADJOURNMENT**

It was moved by Pat Pecoraro, seconded by Bill Beard and unanimously carried to adjourn the meeting at 12:05 pm.