



**PIMA COUNTY ELECTION INTEGRITY COMMISSION
MEETING SUMMARY FOR JULY 19, 2013**
<http://www.pima.gov/commission/ElectionIntegrity.shtml>

The Pima County Election Integrity Commission met in regular session on July 19, 2013 in the Pima County Administration Building, Board of Supervisors 1st 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, Elaine Lim, Benny White and John Moffatt.

Absent: Christopher Cole

Others in Attendance: Brad Nelson, Pima County Elections Director, and Chris Roads, Deputy County Recorder and Carolyn Cox, Chair of Republican Party.

ITEM 2. PLEDGE OF ALLEGIANCE

Those in attendance stood for the Pledge of Allegiance.

ITEM 3. APPROVAL OF MEETING SUMMARY – June 21, 2013.

It was moved by Bill Beard, seconded by Barbara Tellman and carried unanimously to approve the Summary of June 21, 2013 Elections Integrity Commission Meeting.

ITEM 4. SUBCOMMITTEE REPORTS

Tracking Election Integrity in the Legislature Subcommittee – Barbara Tellman

Tellman requested that this item will be removed from future agendas, reported that campaign finance was taken to Court yesterday, and HB 2305 has been subjected to referendum.

ITEM 5. ELECTIONS PROCEDURES MANUAL REVISIONS – Brad Nelson/Benny White

- Gina Roberts, from the Secretary of State's Office, advised Nelson that the draft changes had been forwarded to the Attorney General and the Governor's Office for their review and/or amendments. The Secretary of State (SOS) has asked to receive their comments/changes no later than August 9, 2013, and it anticipated that nothing will be distributed until that process has been completed.
- The SOS's staff is currently working on incorporating the new procedures for all legislative changes into the Procedures Manual.
- HB2305 creates the need to determine how do deal with the issues that will be associated with conducting municipal/partisan elections in 2014.
- It appears that all of the Arizona Counties plan to handle the municipal/partisan elections a little differently which will have adverse effects on candidates who are running for state-wide and legislative offices that cross county lines.

- It is unclear how the City of Tucson, as a "Chartered Municipality" will process their election/ballots; however, candidates, questions and issues for all other municipalities will be on Pima County's ballot.
- Multiple page ballots could be a possibility for the 2014 Elections as it already appears that some of the municipalities and school districts have a significant number of questions; however, Pima County's current equipment/software can handle the processing of multiple page ballots but postage costs for the Recorder's Office will increase.
- The process of multiple page ballot reconciliation, tabulation and potential voting issues (i.e. partial page submittals) will require legal consultation to develop/define appropriate acceptance and rejection procedures.
- Roads spoke with the SOS and the Permanent Early Voting List (PEVL) staff as several Counties have sought legal advice on how to determine which ballot to send to the voter and have received conflicting opinions. He also asked the SOS to request a formal statement from the Attorney General to help insure consistency statewide with this process as soon as possible.
- Uniform practices for State standards need to comply with the Help America Vote Act (HAVA). The Policy Committee, which consists of one member from each County Recorder's Office to help set the standards for HAVA, is also looking at the situation.
- If HB 2305 goes into effect, it is highly unlikely that there will ever be a third party candidate, which the Members believe will not pass 1st Amendment rights.

ITEM 6. STATUS OF ES&S CERTIFICATION BY THE SECRETARY OF STATE - Benny White

On June 7, 2013, White observed the SOS's certification process for ES&S which included a presentation and hands-on demonstration of equipment and software used for voting, tabulation, reporting and auditing capabilities. The State Certification process was conducted by the State Certification Committee, which has 3 members and was re-energized/re-certified due to inactivity for a period of time. Material comprising of correspondence and change orders between the SOS and the Vendor, were formally accepted by the EAC. All vendors seeking certification are primarily dependent upon Wylie Laboratories, Inc. to do the testing prior to the EAC certifying the equipment. Sample ballots were prepared and a basic Logic and Accuracy test was run.

- ES&S's DS850 is a stand- alone computer which can be networked but each machine requires independent programming and can have varying authorization levels. It has a 3 bin sorting capacity, various sorting parameters including race, precinct, jurisdiction, write-ins, etc., and has the ability to generate an Excel format report with images if necessary. Ballot image resolution is only 200 dpi but produces clear images.
- Acquiring this equipment will require modifying Pima County's procedures for conducting the Logic and Accuracy Tests.
- The equipment has active USB ports, which raises some concerns relative to this equipment's dependence on USB keys. ES&S provided additional information related to security issues which alleviated some of the concerns.
- The election management software resides on a separate server and the election software is loaded into each DS850.

ES&S is hoping to become certified in electronic adjudication in January or February of 2014. Dominion is using electronic adjudication in King County; however, using this process in Pima

County would require a discussion at the State level to clarify what they consider to be an acceptable use of electronic images. ES&S is the only certified vendor in Arizona and Dominion is hoping to have State certification by January 2014. There has been no word on certification for Unisyn. Members do not understand how the State can certify vendors when the Statutes require federal certification; however, Moffatt stated that it is important to insure that certified vendors are selected when considering alternatives for future system replacements.

ITEM 7. COST OF ELECTIONS - UPDATE – John Moffatt/Arnie Urken

Election Equipment - Options/Alternatives – Discussion

- Progress in the accumulation and compilation of data is ongoing and Castro has been working with Mary Martinson of Elections to clarify functions of the Recorder's Office and Elections Department and has provided cost breakdowns for her department. Approximately \$8M in direct costs was spent on 2012 Elections.
- A detailed cost category outline created by Moffatt is being used to help identify functions to assist with separation and streamlining costs by function as much as possible.
- The best information available will be provided to the Commission so the Members can identify and substantiate their recommendations for cost savings. When completed, the draft report will be forwarded to Urken for review with the intention of forwarding to the Members prior to the September 20, 2013 meeting.
- Roads stated that cost analysis and statistics are not as high of a priority for the Recorder's Office as meeting their election deadlines which is proving to be more difficult all of the time. Moffatt stated that unfortunately, because the County Accounting Process does not provide data in an easily identifiable format; and due to the fact that the Elections Department and the Recorder's Office document these costs differently, some costs will have to be estimated.
- Moffatt noted that it is already apparent that costs related to the processing of Provisional Ballots are significant. Roads stated that their office will be implementing/enhancing educational programs related to the provisional ballot voting process to help reduce these costs. University of Arizona students generated several hundred Provisional Ballots during the last Election and it needs to be clarified that, according to HAVA, students have a right to vote at any legal polling place for a federal election; however, there is no guarantee that their vote will be counted unless State voter registration requirements have been met.
- Electronic Poll Rosters could help resolve or reduce current problems associated with Provisional Ballots.
- The use of electronic tablets at polling places was discussed and Nelson stated that he would like to approach the County Administrator, with the Commission's support, about the feasibility of using the Vail Incorporation Election to test this process. Nelson noted that in previous conversations in the past, the SOS's has indicated that because the equipment is not putting the ballots into the system, the optically scanned ballot is actually converted to paper which still produces a paper trail that can be verified by the voter, the use of electronic tablets does not appear to violate any State Statutes.

Funding for Equipment

- Ryan inquired about the availability of funding for the purchase of new equipment and Nelson advised that no funds were approved in the FY 2013-2014 budget and stated that this makes the review of other alternatives even more important.
- Nelson advised that 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 as acquiring new central count devices and software. There is \$1.2M

available in HAVA funds that could be used to implement a central count process, which has its advantages and disadvantages, should the Commission agree. Current equipment, including the servers, is old but still workable.

- \$3.5M has been requested in the 2014 proposed bond initiative for the purchase of new election equipment and software which cannot be covered/acquired with the limited HAVA funds that are currently available.
- White suggested that going to a voting center or not counting ballots at the site where they were cast represents a big change for voters. If consideration for these proposed items moves forward, an opportunity for public input to address/assuage their concerns should be created.
- Moffatt suggested that the Commission do the initial "leg" work to present information to the public and provide mechanisms to obtain input. Beard suggested that it would be more prudent to have the Board of Supervisors be able to weigh in on the proposed issues with the public, as the real objectors will not come to the Commission but go directly to their Council or Board Members.
- Time and costs could be affected by changing the scanning of ballots at central count versus individual polling places. Nelson suggested that testing this process in the Vail Incorporation Election which affects 4 Precincts could answer some of these questions.
- Urken expressed that it was important that vendors be required to carry insurance and/or accept responsibility for equipment/system failures during an election. Moffatt suggested that Pima County's Procurement Department's does insure some protection with the implementation of their provision that states that the contract will be awarded to the vendor with "the lowest cost that meets the needs in the best interest of the County". Failure to comply with this provision allows Pima County to reject the bid/vendor. He emphasized that performance needs to be part of the procurement process; however he noted that even with prequalification parameters, it is often difficult to determine whether the equipment/software will work until it is implemented and tested. Preparation of appropriate and comprehensive specifications is important to insure that the County will have the underlying strength to prevail in the event of failure to perform.

ITEM 8. NEXT MEETING DATE

There will be no meeting on August 16, 2013. The next meeting date has been scheduled for Friday, September 20, 2013.

ITEM 9. NEW BUSINESS

Upcoming Elections

- The City of Tucson Primary Election is scheduled for August 27, 2013 and the City wide General for November 5, 2013. Nelson has advised Roger Randolph, City Clerk, City of Tucson, that jurisdictional elections will include: Sunnyside School District and Catalina Foothills School District (Polling Place); and Altar Valley School District, City of Tucson and the Vail Incorporation (All Mail).
- Nelson advised that Sunnyside School District overlaps the unincorporated City of Tucson. Randolph has no objections to Pima County poll workers accepting City ballots at any polling place for the November 5, 2013 General Election.
- Roads reported that although there is a City Measure on the November City Ballot, Pima County will not be running a consolidated election due to the City's insistence on conducting their own Election. The cut-off date for voter registration in the Primary Election is July 29, 2013.

- The City will mail their Primary Ballots on August 8, 2013 for the August 27, 2013 Election. Their Charter provides that there be one replacement ballot site and one polling site in each Ward (the Election will affect Wards 3, 5 and 6 only).
- The County's only involvement with the City Election will be providing the Registered Voter data base, performing signature verification, and the electronic transmission and receipt of military and overseas ballots which will be turned over to the City. Signature verification will be conducted in the Recorder's Office and the ballots will be returned to the City on a daily basis unless they are problematic. Ballots with signature verification issues will be stored if necessary, resolved according to County Procedures and then returned to the City. The November 5, 2013 Election will be City-wide with candidates, at least one ballot measure and several initiatives.

ITEM 10. CALL TO THE AUDIENCE

The Chairman asked for additions for the next meeting and agenda and none were offered. No one appeared at the Call to the Audience.

ITEM 11. ADJOURNMENT

It was moved by Bill Beard, seconded by Elaine Lim and unanimously carried to adjourn the meeting at 12:09 pm.