



**PIMA COUNTY ELECTION INTEGRITY COMMISSION**  
**MEETING MINUTES FOR January 23, 2015**  
<http://www.pima.gov/commission/ElectionIntegrity.shtml>

The Pima County Election Integrity Commission met in regular session on January 23, 2015 at 9:00 a.m. in the Herbert K. Abrams Building, 1<sup>st</sup> Floor Conference Room #1104 at 3950 S. Country Club Road, Tucson, Arizona.

**ITEM 1. ROLL CALL**

Present: Barbara Tellman, Chris Cole, Matt Smith, Arnie Urken, Brad Nelson, Bill Beard, Brian Bickel, Tom Ryan, Jeff Rogers, and Beth Borozan.

Others in Attendance: Ellen Wheeler, County Administrator's Office

**ITEM 2. PLEDGE OF ALLEGIANCE**

The American flag was saluted with the Pledge of Allegiance.

**ITEM 3. APPROVAL OF MINUTE SUMMARY – November 21, 2014**

It was moved by Barbara Tellman, seconded by Chris Cole and carried unanimously to approve the Minutes of the November 21, 2014 meeting.

**ITEM 4. PRESENTATION OF NEW MEMBER AWARDS – Tom Ryan**

Tom presented glass Philabaum awards from Pima County in appreciation of Matt Smith's and Beth Borozan's service on the Election Integrity Commission.

Tom also took this time to recognize and thank Pat Pecoraro and Elaine Lim for their service on the Commission, both of whom resigned from their commissions in December, and Benny White who resigned in January. These are three people who have given a lot to the Commission.

**ITEM 11. UPDATE ON NEW TABULATING EQUIPMENT – Brad Nelson**

Since Brad Nelson will be leaving the meeting early, Tom would like to go to the items that Brad will be addressing, beginning with Item 11.

Brad Nelson gave a thumbnail description for new members of the recent procurement of new tabulating equipment, both hardware and software to replace the system in use since 1998. The award went to Election Systems & Software (ES&S) for a new high-speed central count scanner. The equipment has been delivered and received by Pima County but not yet installed. As Pima County is changing from uploading election results from precinct scanners to having ballot boxes coming into the counting room, the counting room will need to be expanded. The discussion on expansion will begin with Facilities Management, and when the expansion is completed, the new equipment will be installed. Brad is anticipating that the remodel will be completed in late May, and installation and

acceptance testing of the equipment will probably be in June. The training on the software associated with the new equipment will not occur until August as use of the equipment will not be until November 2015 when a number of school districts will hold their 5-year override elections, and it is more efficient to train closer to the time of actual use. This same equipment—same model, same software—was recently used in Pinal County for their Primary and General elections. Pinal County found the equipment to be a big improvement over their previous equipment, which was the same as Pima County has been using, as well. Cochise County, who has been having difficulties with their existing election equipment, is also looking at going with the same system recently purchased by Pima and Pinal Counties; Brad has also heard from reliable sources that the City of Tucson has also purchased the same system.

Barbara Tellman said there is indication of a City of South Tucson election, and asked how those ballots would be handled. Brad has had informal phone discussion with the City of South Tucson Manager and Clerk; they are still trying to decide if they will have a polling place election or an all-by-mail election. Their projected election date is late May. In Oro Valley there is a referendum that is under discussion. The election system currently being used would not be able to handle another County-wide election, but would be used for either or both the City of South Tucson and Oro Valley elections.

#### **ITEM 9. EVALUATION OF PILOT PROJECT – Brad Nelson**

- **e-Poll Books**

Again, for the benefit of new Commission members, Brad gave an overview of the two pilot projects done in the most recent Primary and General Elections. In most of the polling places the paper rosters were used to look voters up, but approximately 20 polling locations used the electronic poll books. Use of the Arizona driver's license for voter identification was most appropriate for this project since on the back of the license is a bar code that was able to be scanned by the electronic poll book, which in this case was an Apple iPad. On that iPad was loaded voter registration information for just that precinct; as the driver's license was scanned the voter's information would come up and the information checked, then the voter would sign on the iPad. The iPad would also show what ballot the individual was to receive. During the Primary, the information would indicate which party the voter was registered with, or in the case of an independent voter, a drop-down menu would allow the voter to declare which party ballot they wanted to vote and the poll worker would note that in their record. That went very well in the Primary with only minor problems, such as certain voter information provided to the vendor by the Recorder's office had been left off the voter records when the vendor loaded the precinct information onto the iPads. Although Brad does not presume to speak on behalf of the Recorder's office, he believes they are very much interested in pursuing electronic poll books in the future. But Ms. Rodriguez has some very strong concerns about having her data out in some type of cloud environment. Brian Bickel asked if the information on the electronic poll books is precinct specific; Brad responded there are several ways it can be done. Voter registration data for the entire county can be put on one poll book; if a voter goes to a polling place and it is not the correct one, the information on the correct polling place would come up as long as the voter has not changed their address. Electronic poll books would be necessary with the vote center concept. Not only does the vote center poll book have the voter registration information for the entire county, but it has a ballot on demand printer tied to it that can print all of the various ballot styles throughout the county. Thus, a voter can go to any one of the vote centers, show the necessary identification, and have their ballot printed on demand right there. Tom Ryan asked Brad if the Recorder's office is doing research on what their options may be. Brad responded that the last communication that he had with Chris Roads, Chief Deputy Recorder, was that they would like to look at the electronic poll pads

used in the pilot project to reverse-engineer it for their own purposes. But until the issue of data security is resolved, it won't go forward.

- **Removal of Scanners**

In early 2013, Brad began exploring the possibility of eliminating polling place scanners. The vast majority of registered voters are voluntarily signing up for the Permanent Early Voting List, or PEVL; last time he looked it was approximately 62 to 63 percent. Also approximately 75% of all ballots cast are done by early voting. The question Brad posed to himself was, since fewer and fewer voters are going to a polling place to vote, does it make sense to invest millions of dollars to provide scanners in polling places? In approximately 20 polling places during the pilot project, voters still got an optical-scan ballot, but instead of putting the ballot in the scanner, they put it in the metal ballot box. During the Primary Election there was a survey available at the pilot precincts for voters to take voluntarily to find out if they were in favor of using the metal boxes County-wide in the future. The results from the voters who volunteered to complete the survey were, 70% said yes, 20% said no, and 10% were neutral on the subject. Concerns were expressed by members of the EIC in the past that poll workers make mistakes and what if the number of ballots doesn't match the number of names in the poll list and signature roster? The process with the metal ballot box environment is, at the end of election night the ballot box is opened and the ballots are counted and compared to the number of names on the poll list and number of signatures on the signature roster. If there is a discrepancy, it does not necessarily mean that an error has occurred. Brad gave the hypothetical example that a voter may spoil their ballot by making a mistake and leave without getting another ballot. In that case, there will be a name on the signature roster and a name on the poll list, but no ballot in the ballot box. As long as the poll workers make a notation, a discrepancy such as that can easily be found later. The poll workers do their own audit at the polling place, seal the ballot box back up and transport the ballot box in the normal way, with two individuals of opposing political parties. It is eventually received at the Elections Department with the chain of custody throughout the transport process, where the ballot box is opened and the ballot report is reviewed. If the ballot report balances, the box of ballots is sent to Central Count. In Central Count, the ballots are counted again; if there is a discrepancy in the number of ballots versus what the ballot count paperwork says, the entire box goes to a SNAG Board where the issues are resolved, including calling the poll workers to ask what happened if necessary. Most of the time the issues are resolved, but sometimes they aren't able to be resolved.

Brad also related to new members that the EIC made a recommendation to the Board of Supervisors that the purchase of the central count system also include scanners. The Board considered the recommendation but did not approve it.

Jeff Rogers understands that in the current environment, when a voter over-votes their ballot, the scanner will kick the ballot back out and the voter has the chance to fix it. In the new environment without scanners, will there be that ability to fix an error? Brad said that certainly there will not be a scanner to kick out the ballot, but an individual will still have the ability to spoil a ballot if they vote for more candidates than they are supposed to. He also explained that the scanners have an override function, and the voter can choose to override the over-vote, which will count all other votes on the ballot but not the over-votes. But if the error is made inadvertently and they are not aware of the error, there will not be a way to correct it.

Barbara Tellman requested that this item be put on the agenda because it is her understanding that the Commission was waiting for the results of the pilot project to decide whether or not to make a further recommendation to the Board of Supervisors about purchasing scanners. She is aware that the Board decided not to make a recommendation to buy scanners until after the pilot project was over, and not at the same time as the purchase of the central count equipment, but is not aware that

there was a decision to not consider buying scanners at all. Brad concurred with Barbara that there was no formal declaration by the Board of Supervisors to never purchase scanners. Brad's understanding of the discussion by the Board is that Pima County will go with central count equipment now with the understanding that this system, if necessary in the future, could accommodate scanners. A definitive answer one way or the other is still on the table.

Tom Ryan stated that the question is whether or not there is a good analysis of the pilot project, and asked Brad if report cards have been done for the precincts comparing the scannerless pilot precincts with the non-pilot precincts that had scanners, and if so, does anything "jump out"? Brad said no, but would nonetheless get the information to the Commission.

Prior to the Primary Election, the Elections Department reached out to the Secretary of State's office to let them know what was planned for the pilot project. In addition, a mailer was sent to households in the pilot precincts advising them there would not be scanners at their polling place. When they got to their polling place, they were given a bright yellow secrecy folder that notified them that if they made a mistake on their ballot to ask for another ballot. Signs were also posted in the polling place. That met the requirement under HAVA that says scanners do not need to be present, so long as there is an educational effort that in the absence of a scanner, voters need to pay attention to how they are marking their ballot.

Brian Bickel made the observation, from the point of being a poll watcher, that instead of offering the voter the option of spoiling a ballot and getting another or using the override option if the scanner kicks their ballot out, poll workers will open the side of the scanner and put the ballot inside. Bill Beard explained that Arizona law allows for technology to alert voters to the fact there are options for the voter if they over-vote. When scanners are removed, that ability to alert voters also is removed. As a policy making advisory body for the Board of Supervisors, he suggests they err on the side of caution to give every voter every chance possible to make every vote count. Brian clarified that he is not speaking for or against scanners; his observation on Election Day was that the poll workers did not give the voter the option of either overriding or spoiling the ballot, but merely opened the side of the scanner and dumped the ballot in. His concern is that nothing got counted on those ballots. Brad confirmed that they have experienced this. The scanners come in and are uploaded to central count, and the Elections Department finds out about the deficiencies later. In the scannerless environment, though it has its pluses and minuses, before those ballots actually get counted, the problems have already been detected and solved.

Arnie Urken brought up the point that in a very close election, overriding an over-vote could have made a difference in the outcome. Brad responded that, as he alluded to earlier, most people don't vote with a scanner in a polling place. They send their ballots in through the mail, and there are all kinds of over- and under-votes. He reaffirmed that he is concerned about making sure every ballot and every vote counts. But he cited the example of a voter who rests his pen inside the oval next to each candidate's name and then colors in the oval for the one he wants to vote for. This creates an over-vote because of the "tick" marks in the preceding ovals. Jeff Rogers asked if those ballots are hand-examined to determine the voters' intent or are they rejected as over-votes? Brad explained that a board of three people will examine the ballots to determine the voters' intent. The law says that if the ballot is cast that way uniformly throughout the ballot, that is an indication of what the voter's true intent is. He said that some voters will circle the ovals of the candidates they choose, some punch holes in the ovals much the way the old punch card ballots were cast.

Barbara Tellman was interested to find out how many times the SNAG Boards solved problems in the Primary and General Elections. Brad responded that he understands based on communications with Republican Party observers on Election Night that there were far fewer problems in the General

Election than in the Primary. One possible explanation for this is that the poll workers were on a learning curve using the electronic poll books and in the General fewer mistakes were made as poll workers became more familiar with electronic poll book functions. Also, in the pilot project precincts, the poll workers were conducting self-audits throughout the day, balancing names in the roster, names on the poll list and Notice to Voter slips to make sure they were all equal. By adding audits through the day, there were fewer problems in the evening.

Barbara expressed the concern that during a Presidential election with the much higher number of voters and ballots in the boxes, it would take longer to process ballots because of SNAG Board problems, and asked if Brad thought this could be a problem. Brad responded that it was certainly a possibility; however, he is more concerned with the scenario of going to 2 pieces of paper to comprise one ballot. At this time, he is unable to answer Barbara's question, however he was able to relate the experience in Pinal County. With no scanners in any of their polling places, they had completed their entire count by 10:00 p.m. in both the Primary and General Elections.

Tom Ryan requested that Brad create a spreadsheet with each precinct that shows the number of over-votes, the number of under-votes, the number of spoiled ballots and the number of SNAG Board issues, and identify which precincts did not have scanners.

Brian Bickel asked what a SNAG Board is. Brad explained that it is also known as an Inspection Board. The poll workers document how many voters voted a regular ballot, how many provisional and conditional provisional ballots were cast, how many early ballots were dropped off, how many ballots were spoiled, etc. The documentation accompanies the voted ballots when they come to Election Central on Election Night. If there is a discrepancy in the paperwork, it goes to a board of individuals who are knowledgeable about what happens at the polls; they go through the reports to try and figure out why the math doesn't balance.

Regarding the spreadsheet requested by Tom, Matt Smith would also like to see the percentage of early ballots versus polling place ballots by precinct. He has a concern that there is an income issue; for example, do more lower income voters still go to the polls versus voting early? If scanners are removed, there may be discrimination against low income voters. Tom noted that information on the breakdown of polling place ballots versus early ballots is available on the canvass. For the edification of the new Commission members, Bill Beard stated when the Commission talks about election issues, the primary purpose behind it is to define which procedures the County uses enhance public trust and which need to be bolstered. He read from the EIC Bylaws Article III, Function and Purpose: "The Pima County Election Integrity Commission is chartered as an advisory group, reporting to the Pima County Board of Supervisors. The purpose is to help improve the conduct of elections by examining the systems and processes behind them in order to improve functioning of and public trust in the Pima County electoral process."

Tom summarized what the Commission is looking for: the Poll Worker Report Card, and this new spreadsheet with issues associated with the scannerless environment.

## **ITEM 10. COST OF ELECTIONS**

Tom stated they are looking for a cost comparison between 2012 elections and 2014 elections. Bill Beard asked Brad if he was able to quantify what the recount process cost the County. Brad responded that the bill to the State was \$42,000.00.

Since it pertains to this subject, Brad stated that the next County-wide election will be the Presidential Preference Election. That date is not certain at this point, as the Governor will proclaim when it will be held, but no later than the last Tuesday in February. There are bills in the Legislature to set the date perhaps before the Iowa caucuses which would put it in early January. Bill Beard asked if that would be the first election that the new equipment would be put into use; Brad responded that on a county-wide basis, yes, but there will be the school district elections in the fall of 2015. Barbara asked about a county-wide bond election. Brad will be meeting with the bond advisory council today [January 23, 2015] and will hopefully get some direction from the Board of Supervisors within the next 90 days.

Arnie Urken asked Brad if EIC members could come and observe and ask questions when the new central count equipment has been delivered. Brad responded that the equipment has been delivered. When the acceptance testing is performed it should take approximately a day and a half to two days and then hooking everything together for network communication should take another day and a half. The timeframe is contingent on when Facilities Management completes the remodeling of the counting room. Since Brad needs to give the vendor who assists with the acceptance testing 30-days' notice, he will probably know in April or May when the testing will occur and can give the Commission a timeline.

#### **ITEM 8. EARLY BALLOT HAND COUNT AUDIT – Tom Ryan**

Tom Ryan gave an overview of early ballot hand count auditing for the new members: When early ballots are audited, it is done by batches. The new central count system creates digital images of all ballots, so the topic has come up as to whether to recommend a change to the early ballot audit by printing ballot images for an entire precinct. This would correspond to the precinct hand count, and provide an end-to-end audit of the early ballot process. Tom asked if there is more information on the ballot images, and whether or not there is an electronic copy of the user manual for the new election system. Brad said he will find out. Brad has been in contact with Pinal County about providing 100 ballot images from the most current election; the Pinal County elections director is working with the vendor to get those images.

Barbara Tellman asked if there would be any problems with storage of those images to comply with state law, and whether a copy of the hard drive would have to go to the county treasurer for storage. As this is a legal question, Brad is not able to answer. Tom suggested that Bill, Arnie and he meet again to discuss this issue.

#### **ITEM 5. ELECTION OF OFFICERS**

##### ***MOTION & VOTE***

Bill Beard nominated Tom Ryan for Chairman and Barbara Tellman seconded. Tom asked if there were any other nominations and none were made. A vote was called; the motion was carried unanimously.

##### ***MOTION & VOTE***

Arnie Urken nominated Barbara Tellman for Vice Chair and Chris Cole seconded. Tom asked if there were any other nominations and none were made. A vote was called; the motion was carried unanimously.

Tom Ryan was elected Chairman and Barbara Tellman was elected Vice Chair for the year 2015.

**ITEM 6. EIC ANNUAL REPORT – Tom Ryan**

Tom Ryan asked if there were any changes to the 2014 EIC Annual Report. Chris Cole asked if when the Report goes to the Board of Supervisors, is it discuss at open meeting? Tom responded that the Report just gets distributed; Barbara Tellman added that there hasn't been an annual report in several years, and no one has noticed.

***MOTION & VOTE***

Since there were no suggested changes to the Report, Tom Ryan called for a motion to accept the Report and distribute it. Chris Cole made the motion and Barbara Tellman seconded the motion and the motion was carried unanimously to accept and distribute the 2014 EIC Annual Report.

**ITEM 7. TRACKING LEGISLATION – Bill Beard**

Prior to departing, Brad mentioned that one of the things the Secretary of State's office will need to do in 2015 is get the Procedures Manual ready for 2016. He requested that the Commission start thinking about what things they would like to see in the Procedures Manual.

Bill Beard provided a listing of pending election-related legislation [a copy of this list is incorporated into these minutes as Attachment 1]. He noted that until the budget is dealt with, nothing will happen. Some of the issues that he highlighted as probably seeing "some signs of life" before the end of the legislative session were HB 2048, Establish a Primary in a Recall; making the personal address a private matter on a candidate's petition [HB 2071]; Add Ballot language – "Property Tax Measure" [HB 2079]. There is interest in changing the Primary date to May or June with June being more likely because legislators don't want to be running for office while the Legislature is still in session [HB 2138]. Also some interest in SB 1056 where if an individual signs a petition with an address different than their voter registration, the signature will be invalid; also overturning some Supreme Court rules on initiatives and referendums [SCR 1002]. But again, until budget negotiations are over, not much is happening. He will have an update next month. Tom asked Bill if there was any discussion on HB 2133 on all-mail balloting; Bill responded that he thinks there is some push from some in the Legislature to give county boards of supervisors the option of deciding if a particular election can be all ballot-by-mail. Arnie Urken asked about legislation to make ballots public documents; Bill responded that is at least a year away because the legislators want to more fully understand the issue before they consider it. Barbara asked if any legislators are interested in recount issues such as were talked about here or the problems with Federal Only voters; Bill responded that everyone right now is absorbed in the budget.

**ITEM 12. REVIEW EIC BY-LAWS FOR POSSIBLE CHANGES – Chris Cole**

Chris Cole reviewed the suggestions/revisions he has made to the EIC bylaws [a copy of the revisions is incorporated into these minutes as Attachment 2]. The sections with significant changes concern removal of a member, committees, adding agenda items and Open Meeting Law training.

**ITEM 13. FUTURE AGENDA ITEMS**

Tom Ryan will invite Chris Roads to the next meeting to discuss Recorder's election costs and electronic poll books.

Bill Beard would like Tom to issue an invitation to the new Secretary of State to attend an EIC meeting in March or April, and he will help facilitate that. Tom suggested issuing an open-ended invitation with future EIC meeting dates.

Poll Worker Report Card

Evaluation of Pilot Project to include the spreadsheet comparison of scannerless precincts.

Recount Issues

Election Database Distribution

Update on New Tabulating Equipment

Ballot Image Availability – File Formats

**ITEM 14. NEXT MEETING DATE**

The next meeting will be Friday, February 20, 2015

**ITEM 15. CALL TO PUBLIC**

Bill Beard introduced Karen Schutte. She will be the Republican Party representative to the EIC. Karen brought up an item to possibly place on the agenda, concerning the recount process and the additional six ballots that came about.

**ITEM 16. ADJOURNMENT**

It was moved by Bill Beard and seconded by Matt Smith and unanimously carried to adjourn the meeting. The meeting adjourned at 11:06 a.m.

# ATTACHMENT 1

## Election Related Bills at the Legislature

January 2015

\*\*\*Details on specific bills can be found at <http://www.azleg.gov/Bills.asp>. Follow the link to the appropriate numbered bill for ALL information and status of any bill you are interested in researching.

<b>Bill</b>	<b>Description</b>	<b>Sponsor</b>	<b>Status</b>
HB 2002	Removal of Political Signs	Allen J	
HB 2015	PPE – Same Day as Iowa Caucus	Lovas	
HB 2048	Establish a Primary in a Recall	Townsend	
HB 2067	Ind. Expenditure Com – Aggregate Reporting	Mesnard	
HB 2071	Nominating – Candidate Address – PRIVATE	Townsend	
HB 2072	Ballot Measures – Prop 105 – Ballot give voters Notice that $\frac{3}{4}$ leg can overturn	Ugenti	
HB 2078	Board of Supes to 7 members over 1 million	Petersen	
HB 2079	Add Ballot language – “Property Tax Measure”	Petersen	
HB 2080	School District Board Vacancy	Petersen	
HB 2081	Clean Elections – Prohibit Cash Contributions	Petersen	
HB 2093	Presidential Elector Change – Add Candidate	Coleman	
HB 2109	Bond Vote Language Change	Fann	
HB 2119	Provisional Ballot – Partial Count Allowed	Friese	
HB 2133	Counties Can Order All Mail In Balloting	Shope	
HB 2138	May Primary Date	Shope	
HB 2154	Irr/H2O District Elections – Technical Corrections	Gray	
HB 2183	Ballot Measures – Prop 105 – Ballot give voters Notice that $\frac{3}{4}$ leg can overturn	Boyer	
HB 2187	JTED – Nominating Petition Signatures	Shope	
HB 2265	Add Lt Governor Office	Mesnard	
HB 2268	Ranked Choice Voting	Mendez	
HB 2367	Precinct Committeemen Nominating Signatures	Thorpe	

HB 2391	Change Early Ballot Mailing Dates	Mesnard
HB 2406	Fire District Override Election Changes	Stevens
HB 2407	Recall/Referendum Changes	Stevens
HB 2409	Change Early Ballot Mailing Dates	Stevens
HB 2414	Community College Tuition Financing Districts	Stevens
HB 2427	Early Ballot Daily Reporting Applies Statewide	Barton
HB2428	Candidate Petitions – Circulating/Filing	Barton
HB 2434	Automatic Voter Registration with Dr. License	Sherwood
HB 2437	Early Voting Location – Extended Hours	Sherwood
HB 2441	Special Tax District Boundary Changes	Livingston
HB 2497	June Primary Date	Carter
HCR 2001	Constitutional Amendment - 60% Requirement	Lovas
HCR 2004	Clean Elections Repeal – Education Funding	Petersen
HCR 2005	Redistricting Commission – 2 Independent Members	Petersen
HCR 2012	Constitutional Amendment Legislature – 60 House	Shope
HCR 2018	Voting Age to 16	Mendez
HCR 2024	Lt. Governor – Run as a ticket	Mesnard
SB 1024	National Popular Vote	Ableser
SB 1025	Voting Age – 16	Ableser
SB 1038	Elections – Technical Corrections	Ward
SB 1042	Political Signs	Pierce
SB 1056	Petitions – Signature Invalid if Address doesn't match	Lesko
SB 1083	Mail In Ballots – Technical Corrections	Barton
SB 1101	Campaign Contribution Disclosure – Ind Expenditures	Farley
SCR 1001	Repeal Clean Elections – Education Funding	Pierce
SCR 1002	Supreme Court Rules Subject to Initiative/Referendum	Kavanaugh

## ATTACHMENT 2

### Pima County Election Integrity Commission

#### Bylaws

##### Article I: Name

Section 1: The name of this organization shall be the Pima County Election Integrity Commission (EIC).

##### Article II: Legal Requirement

Section 1: The Pima County Election Integrity Commission (EIC) was created by the Board of Supervisors on July 1, 2008. The Commission will function under the authority of the above mentioned resolution and other stipulations as stated in the Pima County Code.

##### Article III: Function and Purpose

Section 1: The Pima County Election Integrity Commission is chartered as an advisory group, reporting to the Pima County Board of Supervisors. The purpose is to help improve the conduct of elections by examining the systems and processes behind them in order to improve functioning of and public trust in the Pima County electoral process.

##### Article IV: Membership, Appointments and Qualifications

(Unneeded Section 1 removed and Article Sections renumbered)

Section 1: Voting members of the Pima County Board of Supervisors shall each appoint one (1) member to the EIC. The Pima County Administrator shall appoint one (1) member to the EIC. Each political party recognized by Pima County shall appoint one (1) member. All voting members are to be ratified by the Pima County Board of Supervisors.

Section 2: Each voting member of the EIC shall be a resident of Pima County and a registered voter of same.

Section 3: Pima County shall appoint one (1) staff person to serve as an ex-officio, nonvoting member. The Director of the Pima County Election Department shall be an ex-officio, nonvoting member.

## Section 4: TERMS:

- A) The terms of members of the Commission appointed by Pima County Officials shall be for two (2) years from the date of that member's appointment is ratified by the Pima County Board of Supervisors.
- B) The terms of members of the Commission appointed by political parties shall be two (2) years from the date of that member's appointment is ratified by the Pima County Board of Supervisors.
- C) Members may be removed with or without cause by the person or party that appointed them or the successor to that person.
- D) Upon the expiration of an appointment, a member of the EIC may be reappointed or replaced by the appointing official or party. In no case may a member serve if his or her appointment has expired.

## Section 5: REMOVAL:

- A) If a voting member misses four (4) consecutive regularly scheduled meeting or forty percent (40%) of regularly scheduled meetings in a calendar year the EIC may remove that member by majority vote. Such vote shall be placed on the agenda of the first scheduled meeting after the criteria for removal are met. The person whose membership is in question shall be notified of the scheduled vote and allowed to present a defense against removal. A two-thirds vote of members attending shall be required for removal.
- B) The EIC may, by a two-thirds vote, recommend to the Pima County Board of Supervisors that a voting member be removed from the EIC for reasonable cause other than non-attendance.

Section 6: If a vacancy occurs on the Commission for any reason, that vacancy shall be filled in the same manner in which members are initially appointed and such appointment shall be for the remained of the unexpired term.

### **Article V: Officers & Elections**

Section 1: The officers of the EIC shall be the Chairman and Vice Chairman.

Section 2: Two-thirds (2/3) of the voting members appointed to the EIC must be present to hold election of officers. Vacant appointments shall be included as part of the total membership when determining the two-thirds (2/3) ration.

Section 3: The election of officers shall take place at the first meeting of the calendar year at which the requirements in Section 2 above are met or as required to fill a vacancy.

Section 4: Each elected officer shall hold office until a successor is elected and qualified or the person holding the office is no longer a member of the EIC.

### **Article VI: Duties of Officers**

Section 1: The Commission Chair shall:

- A) Preside at all EIC meetings and ensure meetings are in compliance with all governing rules.
- B) Ensure that committees are established as needed and chaired, and their tasks are expeditiously and effectively performed.
- C) Serve as an ex-officio member of all committees.
- D) Shall be the spokesperson for the Commission unless the Chair designates another voting member due to circumstances.
- E) Compile and submit the Annual Report to the Pima County Board of Supervisors.

Section 2: The Vice Chair shall:

- A) Perform the duties of the Chair in the absence of the Chair.
- B) Act as an advisor to the Chair and perform such additional duties as assigned by the Chair.

### **Article VII: Removal of Officers from Office**

Section 1: The EIC may, by a two-thirds (2/3) vote of voting members appointed and ratified to the Commission remove any officer for reasonable cause. Such action must be proposed at least one (1) regularly scheduled meeting prior to the scheduled vote.

### **Article VIII: Committees**

(Old Section 1 moved to Article IX)

Section 1: The EIC may create such committees as deemed necessary. Such committees shall be composed of one (1) or more members of the EIC.

Section 2: The EIC may appoint other interested citizens / residents to any committee to serve as members.

Section 3: Committees may be temporary or permanent. Temporary committees shall be created for a specific task and dissolved when that task is finished; temporary committees are for short term

existence. Permanent committees shall be created for long term tasks.

Section 4: Committees shall be dissolved when their task is done.

### Article IX: Meetings

Section 1: All EIC meetings shall be conducted in compliance with the Arizona Public Open Meeting Law; A.R.S. 38-431. (Moved from Article VIII)

Section 2: The EIC shall hold a minimum of nine (9) meetings per calendar year.

Section 3: A majority of voting members, counting vacancies as members, of the EIC shall constitute a quorum.

Section 4: The act of a majority of voting members present at a meeting at which there is a quorum shall be the act of the EIC unless the act of a greater number is required by law or these bylaws.

Section 5: Member decision making actions shall be governed by the provisions of the Arizona law on Conflict of Interest; A.R.S. 38-501.

Section 6: Proposing and Approving Agenda Items:

- A) The Chair and staff shall send a proposed agenda to all EIC members at least one week prior to any regular meeting.
- B) Any member, including non-voting members, may propose an item for the agenda. The proposal shall be sent to the staff and the Chair by email, regular mail, or personal contact for approval. The Chair may approve or disapprove the proposed agenda item. This submission must be at least one week prior to any regular meeting.
- C) If the Chair disapproves the proposed agenda item, the Chair shall notify the proposing member within one day of receipt. The proposing member may then request an override by notifying staff who shall then poll the remaining voting members of the EIC and if four (4) members support the proposed agenda item it shall be placed on the agenda.
- D) The final agenda shall be compiled three (3) business days before the meeting.
- E) Since the EIC must comply with the Open Meeting Law, A.R.S. 38-431, no item not on the agenda may be discussed nor shall any action taken on any such item.
- F) At the start of the meeting any EIC member may call into question any agenda item by making a motion to remove the item. If a majority of voting members present vote to remove the item it shall be removed from the agenda.

Section 7: Any member of the EIC may request an emergency meeting to discuss an issue pertaining to the handling of elections within Pima County by notifying staff of the request. Staff shall notify each member of the EIC of the request and if four (4) members support the request through written or email then the emergency meeting shall be scheduled at the earliest available time.

### **Article X: Ethical Conduct**

Section 1: At all times each EIC Commissioner shall conduct him or herself in a respectful and collegial manner when dealing with other Commissioners.

Section 2: When Operating Outside Formal EIC Proceedings:

- A) It is understood that Commissioners are likely to engage in political activities outside of the formal EIC structure.
- B) Whenever Commissioners speak publically and they choose to mention their EIC membership they must state for the record that they are speaking for themselves and not the EIC.
- C) Commissioners have the right to publicly discuss EIC business that is a matter of public record.

### **Article XI: Limitation of Powers**

Section 1: Neither the EIC nor any Commissioner may incur government expenses without the prior authorization of the governing body affected, nor may they obligate Pima County in any form.

### **Article XII: Parliamentary Authority**

Section 1: The parliamentary guidelines of the Pima County Election Integrity Commission shall be in accordance with Robert's Rules of Order, as applicable.

### **Article XIII: Open Meeting Law Training**

(This Article added)

Section 1: The EIC shall hold a training session on the Open Meeting Law for all members once a year.

Section 2: If any member(s) miss the scheduled training session, for whatever reason, a training session shall be conducted for that (those) person(s) as soon as possible.

Section 3: Missing three (3) sessions in one (1) calendar year shall be grounds for dismissal under Article IV, Section 6B.

#### **Article XIV: Amendments and Review**

**(This Article renumbered from Article XIII)**

Section 1: These bylaws may be amended at any regular meeting of the EIC by a two-thirds (2/3) vote of those present and voting, provided that notice of the change has been given to the members at least one (1) week prior to the meeting at which the voting takes place.

Section 2: These bylaws shall be reviewed every five (5) years.

