



**PIMA COUNTY ELECTION INTEGRITY COMMISSION  
MEETING MINUTES FOR NOVEMBER 20, 2015**  
<http://www.pima.gov/commission/ElectionIntegrity.shtml>

The Pima County Election Integrity Commission met in regular session on November 20, 2015 at 9:00 a.m. in the Herbert K. Abrams Building, 3rd Floor Conference Rooms 3108/3110 at 3950 S. Country Club Road, Tucson, Arizona.

**ITEM 1. ROLL CALL**

Present: Matt Smith, Arnie Urken, Chris Cole, Karen Schutte, Bill Beard, Beth Borozan, Brian Bickel, Barbara Tellman, Brad Nelson and Tom Ryan. Jeff Rogers arrived at 9:30 a.m.

Also Present: Honorable Michele Reagan, Arizona Secretary of State; Eric Spencer, Director of Election Services in the Secretary of State's Office; Janine Petty, Deputy State Election Director; 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 – October 16, 2015**

It was moved by Barbara Tellman, seconded by Chris Cole and carried unanimously to approve the Minutes of the October 16, 2015 meeting.

**ITEM 4. CALL TO PUBLIC**

John Brakey and Richard Hernandez addressed the Commission.

**ITEM 5. INVITATION FROM HONORABLE BETH FORD, PIMA COUNTY TREASURER – Tom Ryan**

- View Treasurer's Office ballot storage and security

Tom Ryan restated the invitation by Honorable Beth Ford, Pima County Treasurer to come visit the ballot storage facility. Tom asked staff to work with the Treasurer to come up with some dates for that.

**ITEM 6. NOVEMBER 3, 2015 ELECTION UPDATE – Brad Nelson**

Brad referenced his handout [a copy of this handout is incorporated into these Minutes as Attachment 1]. The information at the top of the "Postmortem" handout shows data countywide. The majority of ballots cast were early ballots—almost 83%. He explained that in the past, prior to

the Permanent Early Voting List, approximately 70% of provisional ballots would be verified. Now the majority of provisional ballots cast are by voters who received an early ballot but did not use it and instead went to the polls.

Brad then moved to bullet points on the handout and invited Accuracy Certification Board members Barbara Tellman and Karen Schutte to weigh in on some of the points. Concerning the entry into the server rack system after the official Logic and Accuracy Test was completed, before the counting of ballots, another Logic and Accuracy Test was conducted and a zero report was obtained. The Election Department also failed to place a notice in the Oro Valley polling places pertaining to the withdrawal of a mayoral candidate. It was Candidate Winfield; he received a total of 55 ballots cast at the polls. Posting of the notices in the polling places was completed by approximately noon. Even if all 55 votes were given to the third candidate, Mr. Straney, Mayor Hiremath would have still prevailed.

Pertaining to the second bullet point on voter registration figures, Brad does not know why the figures were inflated. His staff received figures by precinct and, not realizing that the numbers were inflated, added them into the software for tabulation. On Election Night, some of the reports did say there were approximately 570,000 eligible voters in Pima County. The figure was corrected in time to be reflected in the official canvass, which was approximately 493,000. Brad said they will be talking to the Recorder to find out where the disconnect happened.

The next bullet point concerned the new tabulation equipment. It worked well for its first use; there were some minor issues that came up and they are meeting with the vendor after the Thanksgiving holiday to discuss these.

The capture and download of ballot images took an extreme amount of time. They captured and downloaded approximately 97,000 images and then stopped. This is something that they want to pursue, but at this time, it takes up too much of their resources. In discussing this with ES&S, they seem to suggest there is a new version coming out that will speed up this process by 60% to 90%.

On the final bullet point, Brad said that for the 2016 elections, they may need to acquire two additional scanners. Brian Bickel was in the room when one of the current scanners failed. He asked Brad to review the recertification process on that scanner when it was brought back on line. Brad responded that one of the pieces of equipment had trouble with one of the drive belts that grabs ahold of the ballot and sends it through. The ES&S technicians onsite had replacement parts. Per the *Procedures Manual*, anytime a piece of equipment that has been L&A'ed before use is taken offline, once it is repaired, an L&A test must be performed on that piece before putting it back into service. That was done six times during this election cycle, as noted by Karen Schutte. Brad noted that one of the machines did cause a lot of problems; for whatever reason, that device was pulling a lot more electricity to operate. When ES&S is here after Thanksgiving, they will also have techs here to replace that particular machine. They will also be talking to the Pima County Electric Shop to ensure there is adequate power for the units. In talking with the Electric Shop technicians, if necessary, additional equipment including breakers may be added in the room.

Barbara noted that when the machine failed, Pima County staff could not repair it or risk voiding the warranty, and the belt was extremely difficult to replace. Bill Beard asked if any of the other Arizona jurisdictions had similar problems; Brad responded that Pinal County used their equipment in the central count scenario—counting all ballots whether early, polling place or provisional—on their equipment and did not encounter the same issues.

Brad said that with the expectation of twice as many ballots from the polling places in 2016, two additional scanners would be warranted. Barbara Tellman said that she got home at 4:00 a.m. after counting ballots on Election Night. With twice as many ballots it would take longer unless additional scanners are added.

Bill Beard asked why the servers were partitioned with only 40 gigabytes; ballot images will use up the space quickly. Brad didn't know if it was a Dell problem and the servers are "off the shelf" or if it is an ES&S problem. Bill asked if the partition was causing the downloading issues; Barbara said that every time it downloads, it encrypts and compresses and the encryption takes a long time; Arnie asked if encryption and compression is done for each file or for the whole database. When asked if ES&S had anticipated this problem, Brad said that his understanding is that Pima County is the first jurisdiction in the U.S. to try and capture ballot images for an entire election. Karen Schutte added that she understands that Pima County is one of the larger counties using this ES&S hardware and software. She also added that when there is a backup every night, it can't be appended. The backup is on the entire thing each time. Chris Cole added that each backup overrides the previous backup. Barbara said that there is currently another version of the software undergoing certification at the Federal level that will deal with some of these issues; then it will need to go through certification at the State level. The reason images were backed up for this election was to deal with write-in votes.

Tom asked if the images could be separated and backed up separately; Karen responded in the affirmative. If just results are being backed up, it takes only a few minutes to download to the server from the tabulating equipment. Also, nothing can be deleted in the middle of an election which is another reason the disk space was being used up so quickly.

Bill asked what the next step will be for backing up images for the future, bigger elections. Brad won't know the answers until he talks to ES&S. Even with the server partitioned correctly, the backup of ballot images is going to be brutal without a better way of doing it. Brad added that it may be possible to ask ES&S representatives to come to an EIC meeting to answer some of their questions.

Arnie Urken asked if there is a contingency plan for the future, given the failure during this last election. Brad responded that there is a mutual aid pact with other jurisdictions using the same equipment; right now Pima County's mutual aid pact is with Pinal County. Arnie said this issue goes back to the discussion of holding the vendor accountable in the event of a failure. Bill Beard questioned if Pinal County has the capacity to do their election and that of Pima County if necessary, given rules of timeliness.

Regarding Barbara's comment that the images backup for this election was to deal with write-in votes, Brian Bickel asked if there is a program built into this software to sort out these ballots. Brad said he didn't know the answer to that question; he thinks that the program cannot take a picture of some ballots but not of others.

Beth Borozan asked how many early ballots were sent out. Brad doesn't have the exact number, but the last number he heard was about 310,000. About half of those were returned.

Tom Ryan commented that the whole problem with ballot images puts the pilot ballot image study in jeopardy; Brad agreed it could potentially do that unless the situation changes. Tom said we need to focus on this in the near term to solve this problem; Brad responded he has told ES&S that when they come after Thanksgiving this will be a priority. Tom would like to be able to participate in discussion with ES&S, either at the next EIC meeting or separately.

Tom's next question is, is there a through-put estimate of ballots per hour? Karen Schutte responded that when all four tabulators were operating, it appeared to be about 7,700 ballots per hour. Tom's observation while he was watching the process was that somewhere between 10 and 15% would be unreadable; sometimes the "unreadable stack" would have to be fed back through up to three times. Why is a ballot readable the third time through, but not the first time through? That is an engineering problem. Karen said that it goes back to the pulleys and rollers—pulling the ballot in straight versus at an angle, depending on how many ballots are on the stack. There is a lot of preparation of early ballots to get them straightened out so they will feed through the machine. Chris Cole and Brian Bickel both said that the processes required between each precinct's ballots slow the process down; it isn't the speed of the machines that is the limiting factor.

Barbara said that this system is far superior to the previous system.

Bill Beard asked two review questions: Was the 94% of provisional ballots verified overwhelmingly due to early ballots not being cast? Brad said that if history is an indicator, it is; the second major reason for provisional ballots is voters who have changed their address. The other question concerned the failure to post the candidate withdrawal notifications in the Oro Valley precincts; was this a mix-up within the Elections Department, or at the polling locations? Brad responded that it was within the Department itself. Information on the candidate withdrawal should have been provided in the Inspectors' notebooks and was not. Once Brad and his staff became aware of it, they remedied it as soon as possible as well as contacting the Oro Valley Town Clerk. Karen asked how the Department is notified if a candidate withdraws; Brad responded that predominantly it comes from the filing office of the jurisdiction.

Karen also suggested having a cross-trained technician present in the future. The ES&S techs that were available at the last election seemed to all be very specialized.

Brian asked about the fact that the Oro Valley race was not included in the hand count audit. Brad said the Oro Valley Town Council voted unanimously to have a race audited with four provisions. Brad's understanding of the provisions is that Oro Valley wanted to be indemnified in the event a contest came forward, and the County didn't agree to that.

**ITEM 7. WELCOME HONORABLE MICHELE REAGAN, ARIZONA SECRETARY OF STATE, & ERIC SPENCER, DIRECTOR OF ELECTION SERVICES, SECRETARY OF STATE'S OFFICE – Tom Ryan**

- Items 8 through 16 will be addressed to Ms. Reagan and Mr. Spencer

Tom introduced Secretary of State Michele Reagan and State Election Director Eric Spencer.

Secretary Reagan also introduced Janine Petty, Assistant Elections Director, who comes from Yavapai County.

Secretary Reagan next congratulated the Commission for getting through the Bond Election, not because of the outcome of the election, but for holding the bureaucrats' feet to the fire. The Secretary of State's Office was watching the events of the hand count audit unfold. When the request came from Mr. Huckelberry, their response was, "We should never be afraid to test equipment."

Secretary Reagan expressed her concern for Pima County specifically related to the City of Tucson elections. Mr. Langhofer [attorney for plaintiffs] is not going to give up until he prevails in getting

rid of the primary elections system in the City of Tucson. She sees this as an opportunity for people to look to the EIC for alternatives for what an election system could look like. If that happens it would be nice if this Commission already had a plan to present to the citizens. Chairman Tom Ryan explained to Secretary Reagan that the EIC mission is actually limited to making recommendations to the Pima County Board of Supervisors, and not to the City of Tucson. Jeff Rogers stated he was recently appointed to head a charter change commission for the City. The City of Tucson needs to move to ward-only elections for other reasons and he believes there will be a consensus to do that, either in the form of a hybrid system or ward-only with adding more wards dependent upon annexations. The City wants to do it the right way, where voters decide instead of through a legal challenge.

Secretary Reagan said that having four state-wide elections in one year is rare, and in fact, they are looking it up to see if it has ever happened. So 2016 will be very exciting. The Secretary of State's Office is redoing the election night reporting system. They will be debuting a new program this spring called "Show Arizona the Money," which will shed light on candidate campaign contributions. And Eric is completely rewriting Title 16.

Secretary Reagan turned the rest of the questions over to Eric, and respectfully notified the Commission that she will stay as long as possible, but then will need to excuse herself.

**ITEM 8. STATUS OF *ELECTIONS PROCEDURES MANUAL REVISIONS* – Discussion with SOS**

- Public participation
- Proposed changes to *Manual*

Eric apologized that the *Procedures Manual* will not be ready in 2015, but the larger goal is to produce a manual that everyone can use effectively and covers an array of topics currently not addressed. There have been a number of issues that have come up lately that are not addressed in the *Manual* requiring *ad hoc* decision making. They are creating brand new chapters that have never existed and reorganizing chapters for consistency. There will be very few policy changes, but reorganization to fill in the gaps.

Eric expects to have the full draft done in a couple of months. They want to continue the process of vetting versions with the counties ahead of time, and then roll it out for public participation in early to mid-2016. There isn't any provision in the existing *Manual* that needs to be changed immediately for the March and May elections. Jeff Rogers suggested an index change. Bill Beard noted the language inconsistencies between sections.

Barbara Tellman asked Eric about the policy changes they will be making. Eric is concerned about the opacity of early ballot envelopes used. Pima County uses the green envelope which is opaque enough that it does not reveal the ballot inside. The *Manual* will not prescribe the method the counties must use, but the end result must be that the secrecy of the voter's ballot is protected.

**ITEM 9. STATUS OF *CHANGES TO ELECTION LAW* – Discussion with SOS**

- Public participation
- Proposed changes to election laws

Barbara asked if there will need to be any election law changes to accommodate changes to the *Manual*. Eric responded that there will be some; there are some perfunctory requirements for boards of supervisors that don't make sense any more. There are various statutes with functions that require paper and original signatures. To require a certain color pen makes us captive to the

pre-digital era. The hand count audit statutes can be amended to account for central count systems and to bump up the early ballot percentages since so many ballots are being cast early. Eric invited the Commission to submit some drafts of amendments to A.R.S. §16-602. The campaign finance laws need to be pruned to make them more user friendly and to keep up with technology. He has a sponsor for that bill and is reasonably optimistic about it.

Jeff Rogers asked if there will be a provision in the law for counties to have all ballot by mail elections if they so choose; he used the example of cities and towns across the state that are doing that and saving a lot of money in most cases. Secretary Reagan said that right now there is not an appetite in the Legislature for that. UOCAVA internet voting is increasing a lot; once they come back to the States, it will be harder and harder to get them to go to the polls. Arnie Urken asked if there is a common understanding of what system security means in the context of an election; Eric responded a statutory change could be made that moves the ball forward on security. He again invited EIC members to bring forth ideas.

Eric said that early ballot collection, also known as ballot harvesting will be on the Legislature's agenda. There is discussion going on with prohibition coming from one side and regulation from another.

In Title 19, they are moving toward a digital based system in the Secretary of State's Office (SOS). Statements of Organization will be filed electronically. The SOS will be processing initiatives and referenda digitally as much as possible. They are still stamping by hand tens of thousands of pages using up staff time. The statutes currently require that processing be done by hand using red pen. That level of minutia should not be in the statute but in the *Procedures Manual*, and the *Manual* should be malleable enough to account for technological revolution.

There is a big problem when it comes to recall elections with the terms "strict compliance" and "substantial compliance." He gave the example of the petition stating "We the electors demand his recall." Under the strict compliance provision, the petition cannot be changed to say "her recall" in the case of a female official.

The statute addressing use of a different program during a recount has problems, and the SOS is open to suggestions on how to clarify that.

Tom Ryan asked about §16-602 concerning hand count audits; Eric responded that *the Procedures Manual* should reflect the legal opinion issued by the SOS, which is there is no reason why it can't be voluntarily done. Tom also mentioned §16-1018 pertaining to the prohibition of showing one's ballot. The way it is currently phrased makes it illegal to show your ballot even to your spouse. This statute needs to be rewritten to define the goals of voter anonymity. The other issue Tom brought up is that since 80% of voters are voting by mail, 1% of early ballots for hand count audit is very small in trying to get a significant sampling. Tom will take to heart Eric's request for input on revising §16-602. Since §16-602 is used by the counties, Eric would also like to hear from the county officials on how an increase would impact them in terms of resources and cost. But as a general proposition, more transparency is a good thing.

Barbara asked if there would be public meetings on the Title 16 changes; Eric said there wouldn't be since the legislative session is so close. The campaign finance section is currently in bill form and should be public in a week, but that is the only one at the moment. By the time they are written by the end of the year, he will be happy to share that.

**ITEM 10. SECRETARY OF STATE POLICY ON BALLOT IMAGES – Discussion with SOS**

Eric's and Janine's philosophical view is that ballot images as a general matter should be treated as paper ballots, as part of the official election returns and stored under the authority of the treasurers' offices. The primary reason is, once the canvass has been conducted, the challenge period under §16-672 has passed, and the candidate has been sworn in, there should be some finality. If later, someone looking through ballots on the computer thinks an election should be called a different way, that breeds instability in the system. They are open to discussing the possibility of viewing ballot images on a county computer before the canvass has been conducted, as well as allowing the images to be used in a hand count audit for efficiency. But they are uncomfortable with public transmission and improper storage of ballot images.

Eric recognizes that the Commission feels very strongly about the topic, and he is here to listen. Arnie said the ballots belong to the voters, and the state should not be a constraint to what voters think is reasonable in the area of voter consent for future disposition of their ballot. Eric would be interested to know how, and whether it is a good idea to tie a voted ballot to a specific voter. How, as a practical matter, would you contact the voter to ask them about their ballot? Arnie said that issues like this should be thought out before things happen.

Eric asked if the goal is to match what the ballot says to what the machine says. Bill responded that one of the issues that he has discovered is that technology is leapfrogging where the law is and the ability for someone with less than reputable intent is also leapfrogging very quickly. The problem arises when the software and hardware designers by default determine how the law should read, rather than technology having to react to the law. Taking baby steps as Eric has suggested, almost guarantees that the hardware and software designers will find ways around it and then those that want to manipulate the process have free range to do so. We know that current technology allows us to see an image of a ballot. One way or another, those images for an election will get out to the public. Accept that fact and enact some laws to deal with that ahead of time.

Tom referred to Eric's mention of being uncomfortable with the release of ballot images. But they are being released in some places and are actually public records in other places. Tom asked what problems have arisen in places where they are public record, as he is not aware of any serious problems. Secondly, there is the issue of transparency and making things as visible as possible for anyone to test the system. Just the fact that ballots are available for a certain period of time would lead the public to conclude that nothing is hidden. Tom's standpoint is transparency, from the voters' perspective that nobody is hiding anything. Tom also doesn't believe that individual ballots would be compared to individual ballots because each ballot would have to be identified. Systems available now are able to independently verify the counts, which gives validation of results. There are other systems available which do election validation sampling which validate enough samples to offer a guarantee that the outcomes are correct. It would be like an advanced hand count with some other equipment. After the canvass is approved there would be time for the Election Department to do some analysis on ballot reading and testing. Statistics would be available that are not available from the canvass such as co-occurrence voting.

Eric told Tom his points are well taken. Eric is making a distinction between ballots being available on public record request and the county doing additional auditing and verification. Most if not all of Eric's reticence relates to the images getting out to the public and floating around on the internet. He agrees with Bill that they need to get ahead of that.

Matt Smith asked Eric what he knows about the mathematician in Kansas that felt the voting machines needed to be audited. The county and then secretary of state blocked her and she is now suing. What if you have a person or group from an academic institution who really want to check the voting machines? Under Eric's logic, they won't be able to do it. Eric responded by asking to clarify if the goal is to compare the ballot image against the paper ballot. Matt restated that what if someone like a mathematician said their analysis shows there seems to be something wrong with the machines. The job of the EIC and the Secretary of State is to improve the trust in the system. Arnie said that's the reason the State should become more of an information vendor in the context of election information, without violating laws, and without violating the consent of the voters.

**ITEM 11. SECRETARY OF STATE POSITION ON BALLOT SELFIES – Discussion with SOS**

Eric said the SOS doesn't have a strong position on this issue. They recognize that among the population especially young people, selfies are a part of their daily lives, and it is not surprising that early ballots have become part of that obsession. During the last legislative session, it was clarified that no photography or videography can take place in the polling place. So ballot selfies are not appropriate within the 75-foot limit. The prohibition in the *Procedures Manual* on photography in the polling place has now been added to §16-575.

Arnie asked how Eric sees things in the future with respect to the issues that selfies raise with maintaining the sanctity of the ballot. Since it is going to happen anyway, why not structure it to allow voters to share information? Eric responded that if there is some way of allowing voted ballot selfies in the polling place without opening up all photography under all circumstances within the 75-foot limit, he would be willing to have that conversation.

**ITEM 12. VENDOR WARRANTIES AND ELECTION SYSTEM FAILURES – Discussion with SOS**

Eric stated that remedy of equipment failure is a matter of contract between the county and the vendor. The *Procedures Manual* requires every county to have a contingency plan in case equipment goes down. That could either be a plan to use a different set of equipment or a plan to go to another county that has the same type of equipment. Those plans are required to be filed in the SOS office. Bill Beard asked if, in the event of a failure, is the responsibility for correcting the situation the counties' or the SOS taking an active role in resolving issues? Eric responded that it is probably the former, but where it begins is vetting the counties' plans for sufficiency.

Arnie said that engaging the vendors in discussion and setting a set of standards that they need to live up to would short circuit problems for the counties. Janine Petty replied that she thinks there is open communication between counties and their vendors, and the vendors help them come up with contingencies. Arnie added that there ought to be a coordinated effort to standardize methods of dealing with failures. Janine agreed that is a good suggestion; many times the level of service that counties have depends on monetary constraints.

Matt Smith asked if across the country, are elections always run by the counties? Eric's response was that, anecdotally, he has heard that Nevada is a state where elections are heavily driven by the secretary of state's office, and the counties play a very subordinate role. Arnie cite Oklahoma as the best example of a state with top down standardization of election equipment and software. Tom added that Michigan has a state level election integrity commission that oversees all the counties and provides recommendations to the state and the counties. California has a state level system certification that actually tests equipment.

Barbara Tellman said that ES&S offers several levels of support; with the Platinum level, technicians can be made available for each election. The higher levels of support are very expensive. Pima County has the next one down.

#### **ITEM 13. INTEGRITY COMMISSIONS ACROSS ARIZONA – Discussion with SOS**

Eric doesn't have much to say on this issue. It isn't an effort that the Secretary of State's Office would lead in trying to actively create commissions around the state. But the EIC has demonstrated the importance of creating a check on government. As a government official, Eric relies on people outside of government for feedback and experts to suggest how things can be done better. They applaud the inclination for more commissions.

Arnie asked if they had considered having a commission at the state level. Eric responded that as a practical matter, that commission already exists. The number of emails and phone calls he gets on a daily level are "mind boggling." That feedback exists and is very positive; it just isn't formalized. Tom Ryan noted that having a commission at the state level might take some of the burden off the SOS office.

Bill Beard mentioned that his experience with legislators as a whole when discussing changes to election law is almost visceral; any change to election laws may be seen as taking away someone's right to vote.

#### **ITEM 14. UNIFORMITY IN REPORTING AMONG COUNTIES – Discussion with SOS**

- Update on Secretary of State project to unify reporting

This is a subject that is a huge priority for Eric and Janine. Secretary Reagan, Deputy Secretary Miller and Eric are all data fanatics. The SOS has data needs that exceed probably the last three administrations combined. Whenever they try to standardize or request data, they get the door slammed in their face. This is partly because the State has never tried to collect, store and preserve data in a uniform way; secondly, VRAZ is a disaster and they are prisoners to that system. And third, rightly or wrongly, there are three counties in Arizona: Pima, Maricopa, and the other 13. It is very difficult to get election results and other data when everyone is doing it a different way. This is particularly evident when the SOS gets a public records request. They have hired a new employee whose first project will be to recommend all the different ways to eliminate disparate data reporting formats. Although election night results will all feed into the new system which will go live mid-next year, the need for data extends past just that system.

There are numerous functions in the SOS office that they inherited where staff would take imperfect data and type it into Access and Excel databases. They don't have the manpower to continue doing this. The way to fix that problem is to receive data in a better format that is immediately useable.

Brian Bickel noted that different healthcare organizations have found a way to communicate with each other in a variety of different ways. It is not like the wheel needs to be reinvented. Eric's response was that it doesn't appear to have been a priority in the past, but it is among Secretary Reagan's top priorities.

**ITEM 15. STATUS OF FUNDING FOR 2016 PPE – Discussion with SOS**

- Update on reimbursement to counties

Eric said there is a \$6.6 million funding shortfall for the Presidential Preference Election (PPE). The Legislature amended the statute this year to go back to the \$1.25 per active registered voter. The good news is, they have gotten an agreement by both Speaker Gowan and President Biggs to co-sponsor this as a Leadership Bill. They are hoping that Senator Hobbs and Representative Meyer will agree to make this a bipartisan issue. As a Leadership Bill they will run it on both sides and they are confident it will go through. They have engaged in countless meetings with the Legislature to not stick the counties with cost, as well as the future of the PPE. As it stands right now, the funding bill will also contain a provision to strike the PPE from statute. They want to return that to political party control. They recognize that the Legislature is not yet fully aware of the economic burden, nor fully attenuated to the fact that independent voters are cut out of the process; they are working as hard as they can to educate the legislators on cost and fairness, and to return the process to pre-1996. Eric is not sure that provision of the bill will survive, but he is cautiously optimistic.

With regard to the Special Election in May, the education funding measure, the State will pay for funding it. The pro and con arguments are due December 4<sup>th</sup> and publicity pamphlets will be put together soon; the ballot language will be ready soon.

**ITEM 16. CERTIFICATION REQUIREMENTS FOR ELECTION EQUIPMENT – Discussion with SOS**

- Update

Eric said they are interested in the concept of dispensing with the EAC stamp and moving to a state-based regime. At this point, Eric does not know how this would be done. It is almost impossible for new startup companies to break into the equipment market because of the capital needed to get the EAC stamp and Arizona doesn't have the economic ability to do what California does and create a state-based NIST system. But theoretically, if there was a way to bring together experts to do a state-administered test of election equipment that gives them the equivalent guarantees that the EAC stamp currently provides, the SOS is open to considering that. Quite frankly, the SOS relies on that stamp because they are not capable of interpreting the reports that come out of VSTL's and the EAC provides that vital function.

The SOS just approved Unisyn's voting system for Yavapai County recently. One thing that will be updated in the *Procedures Manual* will be the prohibition on buying or leasing equipment unless certification has been made by the time the contract is signed. If a county purchases equipment and it fails their test, that county has put themselves in an impossible situation. Eric researched legislative history of the statute pertaining to experimental use of equipment, and he does not believe it allows a county to use equipment on an experimental basis. The word "county" was taken out of that statute about ten years ago. He makes a distinction between official equipment that is used to count the ballots versus an experiment where different equipment is used to verify the count or perform some other function. Whatever equipment is used to produce the official election results needs to be certified.

At some point, the online adjudication of votes needs to be addressed. The Unisyn equipment in Yavapai County is not certified to adjudicate a vote digitally. Eric is looking forward to ways to bring a technological revolution to ballot images, but he still has to be able to do a certification.

Tom recalls that about 32 or 33 states require the EAC stamp, and the rest of them don't, partly because the Voluntary Voting System Guidelines (VVSG) are out of date. One of the problems is that

it requires testing of the whole system with everything together—central count, polling place machines, accessibility machines—be done as a unit and you can't mix and match. This is a real problem in today's technology. Colorado for example does not require EAC certification, and as a result they are doing a runoff between four vendors. In the last election each vendor took two counties and they had a runoff and in the end the state will choose one of those vendors. This is an attractive way of testing these systems.

**ITEM 17. FUTURE AGENDA ITEMS**

Brian would like to talk about ballot images and how they will be used to make things more efficient.

Arnie would like to discuss having ES&S representatives attend a meeting so everyone can learn from them.

Barbara added the Bylaws revision.

**ITEM 18. NEXT MEETING DATES**

The next meeting date will be December 18, 2015.

**ITEM 19. ADJOURNMENT**

It was moved by Bill Beard and seconded by Barbara Tellman and unanimously carried to adjourn the meeting. The meeting adjourned at 12:10 p.m.

# ATTACHMENT 1

## Postmortem for the November 3, 2015 Election

### Overall turnout

Number of registered voters	493,885
Ballots cast	190,173
Turnout percentage	38.51%

### Where voters cast their ballot

Number of early ballots cast	157,824	82.98%
Number of ballots cast at the polls	32,349	17.02%

### Provisional ballots

Number of Provisional ballots cast	3891	
Number of Provisional ballots counted	3667	94% verified

Though no election is perfect, the errors that occurred in this election were minor and had no impact on any contest.

Some points to discuss:

- Two minor miscues occurred during the administration of this election. 1) The entry into the server rack system to generate a zero report after the official L&A but before the counting of ballots, and 2) the failure to post the notice of a candidate withdrawal at the polls in Oro Valley.
- Inflated voter registration figures were received from the Recorder and not caught by Elections staff – Initial election results reflected the inflated figures - remedied in time for official canvass. Elections and Recorder will discuss matter to correct for future.
- New tabulation system worked well for its first use – vendor had knowledgeable personnel on location to assist with questions/issues. We will be meeting with vendor after the Thanksgiving holiday to discuss past and future performance of both hardware and software.
- The capturing/ download of ballot images was extremely time consuming. We have begun a discussion with vendor on how to improve (speed) that process.
- Poll workers had not worked in over a year - so some mistakes were expected. Overall performance was good. Poll worker "report cards" are being generated within the next week or two. Those report cards will be shared with the EIC in advance of the next EIC meeting.
- With a very low turnout at the polls, we were able to count ballots in a reasonable amount of time. However, for the 2016 primary and general elections we may acquire two additional high speed scanners to accommodate a larger turnout.