

# **PIMA COUNTY ELECTIONS INTEGRITY COMMISSION**

## **MEMORANDUM**

**Date:** February 28, 2017

**To:** Honorable Chair and Members  
Pima County Board of Supervisors

**From:** Karen Schutte, Chair,  
Pima County Election Integrity Commission

### **RE: Recommendation on Overvote Handling Policy**

At the February 17<sup>th</sup> meeting of Pima County Election Integrity Commission (EIC) the treatment of overvotes and discrepancies between procedures for Early Ballots and Poll cast ballots was discussed.

The EIC members voted 7 to 1 to recommend the Board of Supervisors clarify procedures used by the county Elections Department with respect to handling overvoted ballots. Currently, the process used for counting early (mail-in) overvoted ballots is inconsistent with the process used for poll cast overvoted ballots.

Early ballots (about 80% of all ballots) containing an overvoted race are sent to a duplication / review board. These ballots are tabulated after the duplication board decides whether each ballot contains one or more true overvotes and the ballot is determined to show clear voter intent. These ballots are then tabulated.

Voting early ensures that a ballot, if it contains an inadvertent overvote, will be reviewed with respect to voter intent for a possibility of duplication. Ballots are not treated with this same scrutiny when voted at the polling locations.

Prior to 2015, Pima County's precinct-based scanners would reject an overvoted ballot, so that the voter would have an opportunity to correct their ballot. This is no longer the case. Poll-cast ballots (about 20%) are now tabulated at central count and overvoted races are recorded as overvotes, with no further action.

Voting at a polling place ensures that a ballot, if it contains an inadvertent overvote, or a correction indicating intent, will not be analyzed with respect for a possibility of duplication.

Despite the elimination of precinct scanners, the Elections Department continues to be guided by the 2014 Arizona Elections Procedures Manual (page 177) that states:

### *Duplication of Early Ballot Procedures*

*These procedures apply only to early ballots because the voter has the option of correcting his or her ballot at the polling place, and those ballots will be read by the precinct-based tabulation unit.*

Voters at polling places however, only have the option of correcting their ballots if they are aware of an error and know to request a new ballot. They get no assistance from a precinct scanner or review by a panel of overvote observers. The Procedures Manual directive is thus not applicable to the county's current circumstances.

The ability to duplicate ballots from polling locations is currently available in the central count, with a duplication / review board there on election night, just not used for overvotes. Damaged ballots are duplicated.

To achieve a consistent approach to overvoted ballots, the EIC recommends that the Board

- a) direct the Elections Department to be consistent in the processing of overvoted ballots, and/or
- b) request the Secretary of State modify the Procedures Manual in advance of the next election so that the state guidance applies to Pima County's current configuration of central count tabulation.

The Elections Procedures Manual was revised in 2014 and a revision is promised in the next year from the Secretary of State office. The EIC continues to find needed updates to these procedures and will be discussing and directing additional recommendations viewed appropriate to the Board of Supervisors.

c: Chuck Huckelberry  
Brad Nelson  
Nicole Fyffe