



## Pima County Election Integrity Commission Notice/Agenda

Pursuant to A.R.S. § 38-431.02, notice is hereby given to the members of the Election Integrity Commission and to the general public that the Election Integrity Commission will hold a meeting open to the public on:

**Friday, June 16, 2017 at 9:00 AM**  
**Herbert K. Abrams Building, Conference Rooms #3108/3110**  
**3950 S. Country Club Road, Tucson, AZ 85714**

**PLEASE NOTE:** Agenda item materials may be viewed on the Election Integrity Commission Website at [www.pima.gov/elections](http://www.pima.gov/elections) under Pima County Informative Links; materials are also available at the Pima County Elections Department located at 6550 S. Country Club Road, Tucson, AZ 85756.

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- 1:06** 1. ROLL CALL
- 1:28** 2. PLEDGE OF ALLEGIANCE
- 3:01** 3. CALL TO THE PUBLIC  
A.R.S. § 38-431.01(H) states in part, "...members of the [Commission] shall not discuss or take legal action on matters raised during an open call to the public unless the matters are properly noticed for discussion and legal action." Speakers are limited to 3 minutes.
- 3:10** 4. BOARD MEETING VIDEO – Discussion and potential discontinuance of minutes' approval since the posted video of meetings suffices as minutes at the meeting on April 21, 2017.  
*"The open meeting law does not require a public body to approve their minutes." – Arizona Open Meeting Law by Danee Garone, State Ombudsman Office, - Citizens' Aide Frequently Asked Questions page 56 item #10 (November 2016)*
- 28:32** 5. CHAIRMAN'S REPORT – Karen Schutte  
The Chairman will provide a brief update on relevant current events, review of agenda which may include response from Pima County Attorney's Office per request made at the April 21 presentation regarding clarification of written questions for public meeting and other information regarding OML training by Danee Garone, State Ombudsman Office, videotape and proposed Bylaws revision.
- 41:07** 6. UPDATE ON BALLOT IMAGES LAWSUIT & PUBLIC RECORDS REQUEST RULING MAY 24<sup>th</sup> – Brad Nelson
- 42:44** 7. CITY ELECTION REPORT – Observers: Barbara Tellman, Ken Moyes and Karen Schutte
- 1:07:00** 8. 2017 LEGISLATION IN REVIEW & DISCUSSION – Bill Beard
- 1:09:36** 9. 2016 ANNUAL REPORT REVIEW & DISCUSSION – Karen Schutte
- 1:11:12** 10. UPDATE ON ELECTIONS PROCEDURES MANUAL – Brad Nelson
- 1:15:40** 11. DISCUSSION OF POSSIBLE BYLAW CHANGES ON OPEN MEETING LAW TRAINING  
*Per EIC Current Bylaws – ARTICLE XIV – AMENDMENTS and REVIEW 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 Commissioners at least one (1) week prior to the meeting at which the voting takes place.*  
Current Bylaw – Article XIII – Open Meeting Law Training reads:  
*Section 1 The EIC shall hold an update session on the Open Meeting Law for all members once a year.*  
*Section 2 Any new member(s) shall attend an Open Meeting Law Training session conducted by Pima County within three (3) months of appointment to the Commission.*

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The Herbert K. Abrams Conference Room is wheelchair and handicapped accessible. Persons with a disability may request a reasonable accommodation, such as sign language interpreter, by contacting Michael Dale at (520) 724-6845. Requests should be made at least three (3) business days prior to the Commission Meeting to allow time to arrange the accommodation.

Proposed Amendment for discussion and possible action Section 1 to read:

The EIC shall hold an update session on the Open Meeting Law for all members once a year or **as directed by the Commission.**

Proposed Amendment for discussion and possible action Section 2 to read:

1. Any new member(s) SHALL obtain Open Meeting Law training either by attending in person training conducted by the Arizona Ombudsman Office Citizen's Aide, or by self-study all the following Ombudsman publications: Ombudsman Open Meeting Law Booklet; Arizona Agency Handbook – Chapter 7; Attorney General Opinions: 1999 to present (those pertaining to Open Meeting Law); Frequently Asked Questions – Open Meeting Law; and Open Meeting Law 101.
2. If self-study is chosen by the EIC Commissioner, then said Commissioner shall certify in writing to the Commission Chair that the study was completed prior to the required time frame.

**1:51:30** 12. FUTURE AGENDA ITEMS

In accordance with A.R.S. § 38-431.02(H), members of the Commission may not discuss or take action on any item proposed as a future agenda item unless the item is listed on the current agenda for discussion and action.

**2:00:10** 13. NEXT MEETING DATES

July 21, 2017

August 18, 2017

**2:03:34** 14. ADJOURNMENT

## Chairman Summary Notes from EIC Meeting 6/16/2017

1) Pledge of Allegiance

2) Present: Bill Beard, Arnie Urken, Brian Bickel, Chris Cole, Ken Moyes, Barb Tellman and Karen Schutte, chair. and Michael Dale, Elections Department Coordinator.

3) There was no one for Call to the public.

4) Meetings being videotaped without minutes discussed as to whether or not the Commission wanted to continue an approval of meeting going forward. The last meeting of April 21 video has been posted with agenda and notes taken by chairman to the EIC website.

Motion by Bill Beard, seconded by Barb Tellman: To rotate members taking the meeting summary notes while we try to find someone willing to attend meetings for minute taking. Passed 6 to 1 with Chris Cole opposed. Barb volunteered for next meeting and Ken for the following meeting.

Bill Beard moved that meeting summary notes be sent out to the commissioners for acceptance and the April 21 summary be approved. Seconded by Barb Tellman. Passed.

Karen requested that commissioners giving reports submit them in writing ahead to the coordinator in order to make record taking easier. Michael Dale asked that meeting materials be provided to him one week before the meeting to allow time for posting.

5.) Chairman's Report:

Chairman report June 16, 2017

- Last meeting was OML Training provided by State Ombudsman Office
- 16 people attended from various County Commissions including 3 EIC members
- As was brought up at the April 21<sup>st</sup> meeting, I did try to contact the County Attorney's office to find out if they were willing to give an OML Review as was discussed, they County refers OML Training to the State Ombudsman Office now. There are no OML Review trainings.
- Upon further questioning, I was reminded that the annual EIC OML training was not a request from the County or AG office, it was something we self-imposed upon ourselves in our bylaws and for that reason we've added it for discussion to today's agenda.
- Having attended the OML training myself, I may have misunderstood directives when the public is invited to attend as in our April meeting. It did not mean to include commissioners in writing down questions and perhaps should have only been public attending. My apologies to everyone for that one, it was never intended to stifle anyone and won't happen again.
- County OML have now been updated from the 2007 version to the current laws online and I believe the Board of the Clerk has updated the OML summaries for BCC, at least our coordinator has received been updated

- There is a 2-hour video of last month's training online that I recommend everyone take the time to watch, those of us there tried to ask questions of the instructor that we thought you would be interested in, on issues that have been brought up specifically to EIC meetings in the past.
- Overall, the attendees expressed that the training was valuable. Any questions?

6.) Update on Ballot Images lawsuit and public records request. Brad Nelson was not there to report.

7.) City Election: Ken Moyes, Karen Schutte representing the Republican Party and Barbara Tellman and Elaine Lim representing the Democratic Party were present at this recent election and reported on the all mail-in election run by the City of Tucson

Some issues noted were 1600 ballots mailed to wrong addresses, corrected by post cards and calling voters, ES 850 having not been used in two years also showed some maintenance issues such as the calibration of camera, rollers needing to be cleaned for L& A test and programming to include the audit log on the ES 850s and cumulative totals for all Wards in final results. These issues were addressed with the City staff and had to be performed prior to start of the election.

Other issues noted: Arnie could not find the early voting location posted online and had to call, he voted at the 12<sup>th</sup> Street location and then received a ballot in the mail that he was told would be stopped. Chris said his post card to vote at a ballot location arrived a week after the election.

8) 2017 Legislative Report was presented by Bill Beard without discussion.

9) 2016 Annual Report was presented as compiled by Tom Ryan, Barb Tellman and Karen Schutte: Motion made by Bill Beard and seconded by Brian Bickel to accept the report as written.

10) Update on Election Procedures Manual discussed. Karen was asked to invite Eric Spencer to a future meeting for questions.

11) Discussion on possible bylaw change on OML requirements

Bill Beard moved that current bylaws Art. XIII section 1 "The EIC shall hold an update session on OML for all members once a year" add or as directed by the Commission. Brian seconded. Motion failed with Bill, Ken, Chris, Karen voting in favor and Barb, Arnie and Brian opposed.

Barb moved that we bring to the next meeting a bylaw proposal to eliminate the annual OML training all together with recommendations for new members that she will write. Brian would like to see something provided to new members informing them of their personal liability for failure to follow OML. Motion passed.

12.) Future agenda items:

Chris Rhodes has indicated he could attend in September. Questions for Chris should be sent to coordinator.

November election schedule for Oro Valley proposition, TUSD bond initiative, City Council race.

13) Future Meeting Dates:

Karen and Ken were going to have difficulty attending the July 21 meeting. Moved by Chris and seconded by Arnie that the July meeting be cancelled.

Next meeting date will be August 18,2017

Followed by September 8, 2017.

14) Without objection meeting was adjourned.