



**PIMA COUNTY ELECTION INTEGRITY COMMISSION  
MEETING MINUTES FOR MARCH 17, 2017**  
<http://www.pima.gov/commission/ElectionIntegrity.shtml>

The Pima County Election Integrity Commission met in regular session on March 17, 2017 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: Mary DeCamp, Brian Bickel, Arnie Urken, Tom Ryan, Barbara Tellman, Chris Cole, Ken Moyes, Bill Beard, and Karen Schutte.

Also in Attendance: Nicole Fyffe, County Administrator's Office; and David Wisely and Michael Dale, Pima County Elections Department.

Absent: Jeff Rogers, Brad Nelson.

**ITEM 2. PLEDGE OF ALLEGIANCE**

The American flag was saluted with the Pledge of Allegiance.

**ITEM 3. APPROVAL OF MINUTE SUMMARY – February 17, 2017**

It was moved by Brian Bickel, seconded by Barbara Tellman and carried unanimously to approve the Minutes of the February 17, 2017 meeting.

Chris Cole asked to put into the record that typed Minutes will be discontinued in the future, and the video recording will be the Minutes for meetings from now on. Mike Dale noted that they consulted with the County Attorney's Office and the video recording method meets the requirements of the Open meeting Laws.

**ITEM 4. CALL TO PUBLIC**

No public present.

**ITEM 5. MEMO RE: HANDLING OF OVERVOTES – EARLY vs. PRECINCT-CAST BALLOTS**

- **Memo Sent to Board of Supervisors**

Karen referenced the memo of recommendation sent By EIC to the Board of Supervisors [a copy of this memo is incorporated into these Minutes as Attachment 1], and asked if there were any comments. Barbara's Supervisor called her to ask for clarification, and then said that this subject

would be more appropriate when the *Procedures Manual* is revised. There has been no official response to the memo.

Bill suggested that all EIC members appointed by a Board of Supervisors member contact their Supervisor to clarify and answer any questions they may have.

**ITEM 6. MEMO RE: BENNY WHITE OBSERVATIONS ON RLA**

Karen referenced the typed version of the comments read by Benny White at the last EIC meeting in the call to the public [a copy of this document is incorporated into these Minutes as Attachment 2]. She asked Benny for a copy of his observations on the RLA, and she asked that this Agenda Item be included so the document could be entered into the record.

During discussion, Brian mentioned the instance that Benny had pointed out on multiple occasions that a hair laying across the lens of a particular scanner had erroneously added marks to the ballot image. Karen noted that is one reason they had requested that the Elections Department devise a means of using images during the hand count audit which is Item 11 on the Agenda. One batch of paper ballots could be compared to the ballot images.

David Wisely spoke to that point: Ballot images aren't processed until all the ballots have been tabulated, and the images would not be available at the time of the hand count audit. Karen asked if images could be processed while they are waiting for provisional ballots; David explained that the process is quite lengthy which is why they don't try to do it until all the ballots are processed. In the past they tried to do it at the end of every day and there were problems that occurred with that, so they started doing them at the end. Since the court order is to save images, it allows them to process the images at a more stress-free pace. Also, if the process were done earlier, more staff and political party observer time would be required to sit at the server to "unpack" the images from a previous day while ballots are being tabulated. Bill asked about the software update that is supposed to make the process faster; David agreed that it would shorten the transfer time because it pre-encodes the video files before they are packaged.

David asked a point of clarification on the audit: Would this be an early batch or precinct batch or random batch? Karen responded that there is no preference; it is simply to see the paper ballots and images of a batch of ballots for comparison. Tom Ryan pointed out that the point of this would be to check that each scanner is not introducing any anomalies into the images of the sort that Benny discussed, i.e., scratches, etc. Ideally, it would be from day one, day three and day five to make sure the data hasn't been corrupted. David said that sampling data from multiple days would require unpacking all of them. Tom suggested that it is not technically impossible, but it is inconvenient. David replied that there is a great desire for people to see updated election results as quickly as possible. As early as the Wednesday after the election, the Elections Department could be receiving more early ballots from the Recorder's office for tabulation.

Brian commented that the hand count audit verifies the equipment count if the totals match. Holding a ballot up to the image doesn't do anything to increase his confidence that the equipment read the ballot image properly.

**ITEM 7. MEMO RE: ELECTION FRAUD**

- **February 6, 2017 Memo from Mr. Huckelberry**

Karen referred to the memo that Mr. Huckelberry had written concerning the RLA; the second part of the memo discusses voter fraud [a copy of this memo without the RLA attachments is incorporated into these Minutes as Attachment 3]. Karen wanted to bring this to the EIC's attention; it is a very good outline of some of the ways Pima County protects against voter fraud. She suggested that the political parties should inform their members of these procedures.

Bill Beard mentioned that there is an RFP coming up in the state regarding the voter databases across the state of Arizona. The Secretary of State will be pushing to have a uniform standard so that all counties use the same standard for reporting and voter registration databases.

After some discussion of hacking into the Secretary of State's voter registration database, Ken asked if the vote tabulation system is air-gapped; David Wisely responded "yes." In that case, the possibility of electronically stealing or altering data is nil. Chris Cole answered that it would need to be one of the Elections staff that does it.

To address a statement Chris Cole made earlier about the conference of National Association of Secretaries of State where the Secretaries agreed that election fraud is a serious issue, Brian Bickel agrees with Ken that it is not an issue in Pima County.

**ITEM 8. RECORDER'S OFFICE REPORT ON PROVISIONAL BALLOTS – Barb Tellman**

- **November 8, 2016 Report by precinct**

Barbara circulated information on provisional ballots from the 2016 General Election [the provisional ballot summary is incorporated into these Minutes as Attachment 4].

Barbara has been following this for some time, and it appears that the main reason a person's provisional ballot is rejected is because they voted in the wrong location.

Barbara agreed to try to and find out the total number of federal ballots cast in the general election and the meaning of Registration Cancelled on the Recorder's list.

**ITEM 9. ANNUAL REPORT FOR 2016**

There were three major issues in 2016 to add into the report, and Karen would like anyone who would like to write up a summary for the report. There are the risk-limiting audit and pilot study, and Tom Ryan will summarize that, from beginning to end including the actual pilot study in January 2017; database structure and distribution; and the lawsuit to prevent the destruction of ballot images and Mary DeCamp offered to write the summary on the Lawsuit. In addition there is a section listing the four elections; Barbara offered to write up a summary for each election.

Karen offered to send Minutes from meetings to those willing to write up a summary on these three issues.

**ITEM 10. UPDATE ON BALLOT IMAGE LAWSUIT & PUBLIC RECORDS REQUEST**

- **March 13, 2017 Hearing Postponed to May 8, 2017**

Since Brad Nelson is not here, there is nothing to report other than the postponement date.

**ITEM 11. ELECTIONS DEPARTMENT AUDIT OF BALLOT IMAGES**

In addition to what was discussed during Item 6, Tom added that one of the original uses for ballot images in the context of audits was to make the auditing of early ballots more like the auditing of precinct ballots, in that the totals from precinct ballots match the canvass. Currently the results from early ballots cannot be audited by precinct. If ballot images can be sorted by precinct, then the ballots can be printed and hand-counted just like precinct ballots. Tom clarified with David that it would be very difficult to access the images for a certain precinct and then get them ready for people to hand-count on the Saturday of the hand count audit. David responded that yes, it would be difficult to have them processed by then. Selecting by precinct or other qualifications isn't difficult; it's getting everything processed by that Saturday that is difficult.

**ITEM 12. UPDATE ON PROCEDURES MANUAL - Karen Schutte**

Karen spoke to Eric Spencer yesterday [Thursday, March 16]. Eric claims there is a meeting of county officials on May 2<sup>nd</sup>. He plans to have the draft of the new *Procedures Manual* ready to present to the counties at that time. He is focused on making the *Manual* more user-friendly so that anyone with no background in elections can understand it. The meeting on May 2<sup>nd</sup> will determine further modifications. Eric also suggested that the EIC hold off on preparing suggestions for the *Procedures Manual* until after this draft is made available. Karen understands that this will be a completely new *Manual*. She believes this meeting will be for county officials only and not open to the public, though public meetings will be planned after that. Also, Eric is available to come to the next EIC meeting in April; Eric would like to see the presentation by Benny White, which will be discussed in Item 15.

Barbara said there are a number of topics that need to get into the first draft of the *Manual*, such as the hand count audit. She would like to have a list ready to ask Eric about inclusion when he comes. The areas that EIC should be most concerned with are the current chapters 10 and 11, "Conduct of Elections" and "Central Counting Place." In addition, Bill suggested forwarding the list to Eric in advance so he can come prepared. It was agreed that the questions can be submitted to the Coordinator for compilation.

**ITEM 13. TRACKING LEGISLATION – Bill Beard**

Bill referred to his list of legislation [a copy of this list is incorporated into these Minutes as Attachment 5]. Bills that have been sent from the House to the Senate and vice versa, appear to be on the fast track for passage, though it is no guarantee. He decided to include any legislation that pertains to elections including, for example, school board elections, as those can impact other election legislation even though not directly related to school boards. Language for one type of legislation has a habit of showing up down the road in another type.

Barbara asked about striker bill SB1094; the original bill was not related to elections. It concerns ballot images being treated as paper ballots for all purposes. Ken reported that it has gotten past the Senate 30 to 0; it has been through the House Rules committee 5 to 3 and House Government committee 9 to 0; a third read is scheduled for today [March 17]. Barbara noted that the legislation does not say that images must be saved, but if they are they need to be treated just like paper ballots.

#### **ITEM 14. 2017 RECOMMENDED LEGISLATIVE CHANGES**

- **Draft of proposed legislation from subcommittee (Items #1-4 to be discussed)**

The EIC will be recommending legislative changes for next session. A subcommittee of Barbara, Tom, Arnie, Bill and Jeff put together a draft to be discussed [a copy of this draft is incorporated into these Minutes as Attachment 6]. The Commission will discuss items one through four today.

##### **#1: Eliminate the EAC certification requirement (16-442), etc.**

Bill addressed this item. The stumbling block is the requirement in current state law that says election equipment must be EAC certified for it to be used in the State of Arizona. Some believe it isn't a mandate but a standard; if there is an alternative standard that basically meets the same federal standards, why can't the State decide, regardless? Arizona finds their own people who can do the testing and go to them for the certification. This would go a long way towards solving some of the problems at the state and county levels.

Karen asked what are the duties of the equipment certification committee appointed by the Secretary of State's office. She referred to a press release that said the committee evaluates equipment and makes a recommendation to the SOS who then determines the type to be certified for use. Bill said they give a "rubber stamp" to equipment; but if it doesn't have an EAC certification number, the state committee cannot certify it.

Brian asked if a federal election could be conducted on equipment not certified by the federal government; Tom explained that the guidelines developed at the federal level are voluntary and there is no federal law requiring the certification. Arizona has a statute that requires federal certification.

Karen asked if the Help America Vote Act of 2002 referred to in the statute is the same as the EAC certification. Bill read A.R.S §16-442.B [a copy of this statute is incorporated into these Minutes as Attachment 7]. As interpreted by Pima County, unless it has that certification number, it couldn't be purchased. Brian asked if there are accredited agencies other than the EAC; Tom explained that the testing labs have been certified by the EAC. Bill said the language in this section needs to be clarified to either say that a company does not have to have the magic certification number, or just assign the Arizona certification verification commission the task of deciding what the certification classifications are. Barbara noted that Pima County is more strict on this issue because there are other Arizona counties that have equipment that is not EAC certified.

Karen suggested that someone on the subcommittee who feels strongly on this issue write up the changes to the current legislation. Barbara noted that the re-write needs to include guidance in the event that the EAC is dissolved and there is no federal certification. Bill agreed to write a draft of this amendment.

Karen explained her intent was to review this list of items as a first draft for discussion purposes and at the end to come back with a list of written legislative changes the EIC would like to see voted on and proposed in time for the next legislative session.

**#2: Remove names of presidential electors from ballot (16-502, 507).**

Tom explained that the problem with listing electors is that it takes up so much real estate on the ballot, and can cause confusion for voters. Chris noted that a voter might see a familiar name that they trust and vote for that presidential candidate. Ken made the point that the names of the electors are the people being voted on, and thus should be on the ballot.

Since there was no consensus of the Commission to pursue, it was decided to drop this issue.

**#3: Audits should be required, and counties should be able to audit additional races (16-602), etc.**

Barbara said the concern is that counties should be able to do more than statute requires. Bill explained that in state law, a county race is not required to be part of the hand count audit. Since it is county officers that are responsible for elections, county offices should be part of the audit. Karen referred to the Attorney General's clarification that a county may audit as many races as they want. Language in state law should be clarified to include county-wide races as part of the hand count audit process, and an Attorney General's opinion is not law, it is an opinion.

Tom explained that there are a number of Arizona counties that are not doing any audits at all because the political parties opt out, hence the language to require audits. Barbara asked how he would suggest requiring them to do an audit; Tom responded that there are states that have a blanket requirement and don't say how the requirement needs to be met.

Tom agreed to write a draft for this amendment.

**#4: Retain ballot images the same period as paper ballots and allow for distribution of ballot images (16-624).**

The discussion of SB1094 in Item 13 makes this a moot point.

**ITEM 15. CLEAR BALLOT PRESENTATION AND REVIEW OF RECOUNTS IN OTHER STATES BY BENNY WHITE AT APRIL MEETING**

Benny has been to the recount in Wisconsin and was sent to Maryland to observe for ClearBallot. He has become very knowledgeable on the ClearBallot system. In Maryland it was thought that a scratch on the lens of one of the DS850's created anomalies in the counts; it turns out it was the fold in the ballot at one of the ovals, which is something Pima County watches out for.

There was discussion about possibly inviting other attendees to the presentation. Members were encouraged to invite anyone they would like, but to please RSVP ahead those attending for a head count and room setup.

**ITEM 16. FUTURE AGENDA ITEMS**

For the April 21, 2017 meeting, only Benny's ClearBallot presentation and Eric Spencer's presentation should be scheduled.

For May's Agenda:  
Open Meeting Law briefing by County Attorney's Office  
Minutes transcription  
Items 5 through 8 on the legislation changes  
Annual Report

**ITEM 17. NEXT MEETING DATE**

April 21, 2017

**ITEM 18. ADJOURNMENT**

It was moved by Bill Beard, seconded by Barbara Tellman, and unanimously carried to adjourn the meeting. The meeting adjourned at approximately 11:15.

# 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

RLA Comments by Benny White at the February 17<sup>th</sup> EIC Meeting Call to the Public:

- An RLA is not designed to verify machine or election system correct tabulation or to discover machine malfunction
  - The sole purpose of an RLA is to determine that the announced winner of a contest actually won
    - An RLA is useful when the winner is not in doubt because the margin of victory is large and the number of ballots to be reviewed is small
    - An RLA is not useful when the election results are very close between two candidates because that will require all or most of the ballots to be included in the review
  - The -602 audit we currently conduct is inadequate in that it does not inspect a proportionate number of Early Ballots and inspects too small a number of machines
    - Originated due to machine malfunction in LD 20 race many years ago and was designed to detect machine malfunction, primarily, and to audit results secondarily
    - Adequacy of -602 process is enhanced by statewide audits by individual counties and by election after election demonstration that machines count correctly
      - Some Arizona counties do not conduct -602 audits due to non-participation by political parties
        - These same counties would probably not conduct RLA's
- An RLA requires that all ballots complete tabulation because statistical assumptions require that all cast ballots be available for inspection
  - Current -602 is required to be complete on the Saturday after the election (3 days)
    - In the Primary elections canvass is required to be completed by Tuesday following the election
      - During numerous Primary elections the complete populations of ballots is not completed before the Monday prior to the canvass on Tuesday
    - In the General elections canvass is required to be completed by ten business days after the election (2 weeks in most instances)
      - Instances in both Pima County and Maricopa County where tabulation of all ballots not complete until just before the canvass deadline
    - There is inadequate time available between the complete tabulation of all ballots in both the Primary and General election instances for a separate RLA which might take several days to be conducted prior to the canvass deadline
- Recounts and RLA expansion to a full jurisdiction review of ballots are very different processes
  - A recount can occur automatically due to a small margin difference between two candidates or proposition results. It can also be brought about by a candidate challenge to the election processes and a court order.
    - Ballots are secured from other processes until the recount(s) are completed
    - A recount requires a second tabulation of all ballots involved in the contest
    - Litigants in a recount will examine ballots and will disrupt the numerical sequencing of ballot storage that is required for retrieval of ballots in an RLA, i.e., this would make it extremely difficult if not impossible to locate RLA inspection ballots in a timely manner
  - A contest could be filed at any time and must be filed no later than five days after the canvass of the election.

- Ballots are secured until the contest is resolved further reducing the time available to conduct the RLA and compliance with the canvass deadline
  - An RLA with a very close, but not within the automatic recount provisions, would require an inspection of every ballot in the jurisdiction and a comparison with the CVR and possibly the ballot image
    - This is very different and much more time consuming a retabulation of the ballots in a recount
- RLA's have been evaluated and rejected by other jurisdictions
  - Maryland, Florida, California
  - Primary objection is that it is impossible to predict the logistical requirements to conduct the RLA in a timely manner
  - Election departments must budget for personnel, buildings, and expenses a year in advance in most cases
  - Budgeting for worst case RLA scenarios would cause a waste of taxpayer dollars in situations where worst case did not occur
  - RLAs require prioritization of the audit over everything else for understaffed election official staffs
    - Everything else is put on hold until RLA is complete and there are a lot of other election related duties that have to be completed within strict time limits
- Statewide agreement will be extremely difficult in Arizona
  - All county compliance with RLA would be required for a statewide office or statewide proposition
  - Multiple county compliance and coordination would be required where jurisdiction extended across county lines
  - Different types of election systems used in different counties
    - Some generate ballot images, some do not
    - Ballot image quality and usefulness for image to CVR comparison varies between systems
  - Small county election departments are not staffed with extra personnel to support RLA
- Ballot image generation and usefulness to support RLA is not consistent across the jurisdictions



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# MEMORANDUM

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Date: February 6, 2017

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

From: C.H. Huckelberry  
County Administrator

A handwritten signature in black ink, appearing to read "CH", is written over the printed name "C.H. Huckelberry".

Re: **Elections Integrity Commission and Mock Risk Limiting Audit**

On Wednesday, January 25, the Pima County Elections Integrity Commission (EIC) met and conducted a mock Risk Limiting Audit (RLA) using 30,000 ballots prepared for such an effort. An RLA attempts to ensure the validity of election results by reviewing a statistically valid random sample of the ballots cast and the votes reflected on those ballots. The closer the race, the larger the sample of ballots that would need to be reviewed as part of the RLA to validate the election results. Last year, the EIC had expressed interest in conducting an RLA to determine the merits of such. Pima County Elections Director Brad Nelson and his staff worked closely with EIC members to enable the EIC to conduct such an audit on a mock election. Ballots were printed with six ballot questions related to the Oscars (best picture, best actor, etc.) The votes were tabulated and the RLA included the use of a website created by the inventor of the RLA, Dr. Stark of UC Berkeley, to calculate how many of the ballots should be selected for audit based largely on the closeness of the closest race and the total votes cast. Attached are the instructions the EIC used for this RLA.

The EIC will meet next on February 17 and members will likely discuss their opinions of the RLA at that time. Mr. Nelson's initial impression after the exercise was that it was well worth the time, but that it may be too complex and time consuming to pursue further. I will certainly communicate to the Board the EIC's conclusions regarding the RLA after their February meeting.

Since 2008, Pima County has been implementing a hand count audit of twice as many ballots than required to be hand counted by state law. This typically occurs the Saturday after an election and involves designees of the registered parties. It is one of numerous elections security and transparency measures implemented by Pima County since 2006.

It is somewhat ironic that the same day the EIC conducted this mock election audit, President Trump announced he would be "asking for a major investigation into voter fraud, including those registered to vote in two states, those who are illegal and even, those registered to vote who are dead (and many for a long time)." This followed his unsubstantiated claims that 3 to 5 million people voted illegally. While ensuring accurate election tabulation results is separate from ensuring against voter fraud, our democracy relies upon the public's confidence in the integrity of the entire elections system from start to end.

The Honorable Chair and Members, Pima County Board of Supervisors  
Re: **Elections Integrity Commission and Mock Risk Limiting Audit**  
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Arizona Secretary of State Michele Reagan and Pima County Elections Director Brad Nelson, where both interviewed on Wednesday by Arizona Public Media about these allegations, and responded confidently about Arizona and Pima County's protections against voter fraud. Chris Roads, Chief Deputy Pima County Recorder and Registrar of Voters, provided the following details concerning the President's allegations:

1. Regarding "those registered to vote in two states," the Pima County Recorder's office regularly compares the voter registration file to the United States Postal Service National Change of Address database, at a minimum of twice each year, in order to keep the voter rolls current. Most of the Pima County database was checked six different times between October 2015 and November 2016 due to the five countywide elections and the mass mailing of identification cards that occurred during that time. Voters identified as having moved are blocked from receiving early ballots until they update their registration record or contact the Recorders Office to confirm an error with the postal system.

For several years, the State of Arizona has participated in a comparison of the Arizona voter registration database with the voter registration databases of a majority of other states. Any person identified as possibly being registered in more than one state is flagged. Both states investigate to determine if it really is the same person and which state should keep the record active. The record in the other state is then cancelled. Persons identified as having voted in two states during the same election are referred to both states' Attorney General's Offices to determine whether criminal charges should be filed. This record check generally occurs during the spring of an odd numbered year after a federal election. The last check resulted in several thousand "false positive" matches who turned out to be two different people with the same name.

2. Regarding "those who are illegal," the Pima County Recorder's Office confirms proof of citizenship in a number of ways depending on the method by which the individual registers to vote. Often the proof of citizenship provided is a driver's license number, which is confirmed by comparing the data to Motor Vehicle Department records.
3. Regarding "those registered to vote who are dead," the Pima County Recorder's Office is informed of a voter's death through multiple sources including newspaper obituaries, the Arizona Department of Health Services, recorded documents and contact with family members. Registrations are cancelled immediately upon receiving reliable information of a person's death. In Pima County, there has been only one incident of a person attempting to cast a ballot for a deceased relative in the past 10 years. That vote was cast by early ballot. The issue was identified during the regular

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signature verification process (the signature on the early ballot affidavit was invalidated during the signature comparison process) and the Pima County Attorney's Office investigated the incident.

4. Finally, although not mentioned specifically by the President, there are instances where a voter may vote by early ballot and then attempt to vote a second time at the polls on Election Day. At that point, the early ballot has usually already been counted. According to state law, any voter who receives an early ballot is required to vote only by provisional ballot at the polls on Election Day. The provisional ballots are sent to the Pima County Recorder's Office to determine validity immediately after Election Day. Any provisional ballots that were cast by people who had already voted by early ballot are disqualified and sent to the County Attorney's Office for investigation. Approximately half of those are submitted by elderly voters who, according to historical investigation information, "forgot" that they voted by early ballot. Others have been either inexperienced voters who were unaware that the early ballot was an actual ballot, or were reported to have been misinformed of the process by poll workers. To date, the County Attorney's office has not filed criminal charges in these instances as the system correctly blocked the second ballot from being counted. The review for the 2016 election is still in process and will not be resolved for several months, as each voter must be contacted directly as part of the investigation.

CHH/dr

Attachment

- c: The Honorable F. Ann Rodriguez, Pima County Recorder  
Brad Nelson, Director, Elections Department  
Chris Roads, Chief Deputy Recorder, Pima County Recorder's Office  
Nicole Fyffe, Executive Assistant to the County Administrator  
Pima County Elections Integrity Commission

## 261-2016 GENERAL ELECTION Reason Totals

Counted?	Reason	TOTAL
Yes	COUNT FEDERAL ONLY	13
Yes	COUNTED	18,218
No	COULD NOT CONFIRM IDENTITY	6
No	PROVISIONAL NOT SIGNED	62
No	REGISTERED AFTER CUTOFF DATE	373
No	REGISTRATION CANCELLED	521
No	VOTED EARLY BALLOT	168
No	VOTED MULTIPLE BALLOTS	30
No	VOTED WRONG VOTING AREA	1,150
No	VOTER NOT REGISTERED	792

Provisional Total: 21,333

Yes	COUNTED	5
No	NO IDENTIFICATION PROVIDED	39

Conditional Provisional Total: 44

Grand Total: 21,377

## Election Related Bills at the Legislature

PCEIC - Beard

March 2017

<b>Bill</b>	<b>Description</b>	<b>Sponsor</b>	<b>Status</b>
<b>HB2019</b>	<b>Community College Bonds Must be Voter Approved</b>	<b>Leach</b>	<b>COW</b>
HB2049	Provisional Ballot Tally	Friese	2 <sup>nd</sup> Read
HB2053	Campaign Finance – Corporation Must Register	Clark	2 <sup>nd</sup> Read
<b>HB2055</b>	<b>Ballot Defects – Recorder notification</b>	<b>Clark</b>	<b>Senate 2<sup>nd</sup> Read</b>
HB2056	Random Audits of Ind Exp Committees	Clark	2 <sup>nd</sup> Read
HB2068	Ind Expenditure- Corporation Funding Disclosure	Clark	2 <sup>nd</sup> Read
HB2083	Remove Budget Increase language in insert Local Control funding	Rubelcava	2 <sup>nd</sup> Read
<b>HB2086</b>	<b>Prohibit Municipality ID Cards</b>	<b>Lawrence</b>	<b>Senate 2<sup>nd</sup> Read</b>
<b>HB2162</b>	<b>Justice of the Peace Must reside in the precinct</b>	<b>Boyer</b>	<b>Senate Caucus</b>
HB2178	Consolidated elections – Prohibit counties running Municipal election solo	Ugenti-Rita	2 <sup>nd</sup> Read
HB2255	Ballot Measure Prohibit Expenditure from Non AZ Residents	Thorpe	2 <sup>nd</sup> Read
HB2260	Temporary Address for College Students may not be used for Voter Registration	Thorpe	2 <sup>nd</sup> Read
HB2272	Ranked Voting	Clark	2 <sup>nd</sup> Read
HB2273	SOS Appropriation for Election System Security	Clark	2 <sup>nd</sup> Read
HB2274	Signature Gathering – Preventing Gathering a Line Item in finance reports	Clark	2 <sup>nd</sup> Read

HB2275	Make Recorder a Non-Partisan office	Clark	2 <sup>nd</sup> Read
HB2276	Establish Election Law Review Commission	Clark	2 <sup>nd</sup> Read
HB2277	National Popular Vote	Salman	2 <sup>nd</sup> Read
<b>HB2302</b>	<b>Electoral College Votes – Class 3 Felony if they don’t vote for winner of state election</b>	<b>Kern</b>	<b>Senate Caucus</b>
<b>HB2304</b>	<b>Voter Guide – Email Option</b>	<b>Kern</b>	<b>Senate 2<sup>nd</sup> Read</b>
<b>HB2316</b>	<b>Precinct committeeman term of office</b>	<b>Lawrence</b>	<b>Senate 2<sup>nd</sup> Read</b>
HB2317	Party Designation on Ballot	Lawrence	2 <sup>nd</sup> Read
<b>HB2320</b>	<b>Ballot Measures – Prop 105 Disclosures</b>	<b>Ugenti-Rita</b>	<b>Senate 2<sup>nd</sup> Read</b>
<b>HB2321</b>	<b>HOA Voting – Prohibit Cumulative Voting</b>	<b>Clark</b>	<b>Senate Caucus</b>
<b>HB2339</b>	<b>PPE Reimbursement to counties</b>	<b>Coleman</b>	<b>Senate 2<sup>nd</sup> Read</b>
HB2348	Automatic Voter Registration	Clark	2 <sup>nd</sup> Read
HB2349	Early Ballot Collection	Clark	2 <sup>nd</sup> Read
HB2350	PPE – Ind Voters Allowed to Vote	Clark	2 <sup>nd</sup> Read
HB2351	Early voting Hours of Operation	Clark	2 <sup>nd</sup> Read
HB2380	Precinct committeeman term of office	Ugenti-Rita	2 <sup>nd</sup> Read
HB2381	Email Party Election Notifications	Ugenti-Rita	2 <sup>nd</sup> Read
<b>HB2403</b>	<b>Clean Elections Prohibited contributions</b>	<b>J Allen</b>	<b>3rd Read</b>
<b>HB2404</b>	<b>Petition Circulators Must Register</b>	<b>Leach</b>	<b>Senate 2<sup>nd</sup> Read</b>
<b>HB2412</b>	<b>Voter Registration Records Cost</b>	<b>Coleman</b>	<b>Senate 2<sup>nd</sup> Read</b>
<b>HB2416</b>	<b>School Board Members – No Family Ties on the Board</b>	<b>Coleman</b>	<b>Senate 2<sup>nd</sup> Read</b>

HB2448	Voter Registration – ID requirements	Thorpe	2 <sup>nd</sup> Read
HB2456	Presidential Candidates Must Release 5 years of tax returns to appear on ballot	Salman	2 <sup>nd</sup> Read
HB2480	School funding elections overrides	Grantham	2 <sup>nd</sup> Read
<b>HB2484</b>	<b>Primary Election Date</b>	<b>John</b>	<b>Senate 2<sup>nd</sup> Read</b>
<b>HB2486</b>	<b>Candidate Committee Names</b>	<b>John</b>	<b>Senate Caucus</b>
<b>HB2495</b>	<b>Consolidated Elections</b>	<b>Payne</b>	<b>Senate 2<sup>nd</sup> Read</b>
HB2531	Apply Clean Elections to County Offices	Powers-Hanley	2 <sup>nd</sup> Read
<b>HCR2002</b>	<b>Repeal Prop 105 (1998 version)</b>	<b>Ugenti-Rita</b>	<b>Senate 2<sup>nd</sup> Read</b>
HCR2004	Clean Elections Repeal	Leach	2 <sup>nd</sup> Read
<b>HCR2006</b>	<b>Article 5 Convention</b>	<b>Thorpe</b>	<b>3<sup>rd</sup> Read</b>
<b>HCR2007</b>	<b>Prop 105 Exemptions</b>	<b>Ugenti-Rita</b>	<b>Senate 2<sup>nd</sup> Read</b>
<b>HCR2029</b>	<b>Constitutional Amendment – Initiative/Referenda</b>	<b>Shooter</b>	<b>Senate 2<sup>nd</sup> Read</b>
SB1185	Precinct Committeemen term of office	Kavanaugh	2 <sup>nd</sup> Read
<b>SB1191</b>	<b>Email Authorized for Notifying Political Party Election Notices</b>	<b>Petersen</b>	<b>House 2</b>
SB1193	Election and Ethics Commission	Quezada	2 <sup>nd</sup> Read
<b>SB1200</b>	<b>Candidate Requirement – Must be a registered member of the party day of filing</b>	<b>Kavanaugh</b>	<b>House 2<sup>nd</sup> Read</b>
SB1220	Same Day Voter Registration	Quezada	2 <sup>nd</sup> Read
SB1221	Voter Registration Deadline	Quezada	2 <sup>nd</sup> Read
SB1222	Voter Id- Eliminate	Quezada	2 <sup>nd</sup> Read
SB1223	Voter ID – VA, Student ID Valid	Quezada	2 <sup>nd</sup> Read

SB1224	No Family ties for School Board Members	Quezada	2 <sup>nd</sup> Read
SB1237	Early Voting Processing	Kavanaugh	2 <sup>nd</sup> Read
<b>SB1238</b>	<b>Early Ballot Envelopes</b>	<b>Kavanaugh</b>	<b>House 2<sup>nd</sup> Read</b>
SB1249	Automatic Voter Registration	Quezada	2 <sup>nd</sup> Read
SB1271	County Permission – Vote by Mail	Worsley	2 <sup>nd</sup> Read
SB1305	Election Equipment – Procedures Manual	Kavanaugh	2 <sup>nd</sup> Read
SB1306	Uniformity of Statewide Election results	Kavanaugh	2 <sup>nd</sup> Read
<b>SB1307</b>	<b>Voter Registration for PPE</b>	<b>Kavanaugh</b>	<b>House 2<sup>nd</sup> Read</b>
<b>SB1328</b>	<b>Clerk of the Board – Election Proclamation</b>	<b>S. Allen</b>	<b>House 2<sup>nd</sup> Read</b>
<b>SB1370</b>	<b>Unlawful Voting – Knowingly voting in multiple locations</b>	<b>Griffin</b>	<b>House 2<sup>nd</sup> Read</b>
<b>SB1375</b>	<b>School Elections</b>	<b>Montenegro</b>	<b>3<sup>rd</sup> Read</b>
SB1385	Use SS# to verify Voter Registration	Quezada	2 <sup>nd</sup> Read
SB1386	Statewide Voter Registration Portability	Quezada	2 <sup>nd</sup> Read
SB1387	Early Vote Center Hours of Operation	Quezada	2 <sup>nd</sup> Read
SB1388	Early Ballot Postmark – Election Day	Quezada	2 <sup>nd</sup> Read
SB1389	Vote Centers at Colleges	Quezada	2 <sup>nd</sup> Read
SB1390	Electronic Poll Lists – Direct Voter to correct Poll with a Duplicate Form	Quezada	2 <sup>nd</sup> Read
SB1391	Polling Place Standards	Quezada	2 <sup>nd</sup> Read
SB1392	Early Ballot –Vote at the Polls	Quezada	2 <sup>nd</sup> Read
SB1393	PPE – Independents Authorized to Vote	Quezada	2 <sup>nd</sup> Read

SB1394	Provisional Ballot – Partial Tally	Quezada	2 <sup>nd</sup> Read
SB1395	Provisional Ballots – Verify Tally	Quezada	2 <sup>nd</sup> Read
SB1396	Provisional Ballots – Authorized to count valid votes – discard the rest	Quezada	2 <sup>nd</sup> Read
SB1397	Early Ballot Verification – Recorder Notice to Voter	Quezada	2 <sup>nd</sup> Read
<b>SB1405</b>	<b>School Elections – Ballot Argument Language</b>	<b>Lesko</b>	<b>House 2<sup>nd</sup> Read</b>
<b>SB1416</b>	<b>Forming Revitalization Districts</b>	<b>Pratt</b>	<b>House 2<sup>nd</sup> Read</b>
<b>SB1480</b>	<b>Revisions to Community Financing Districts</b>	<b>Smith</b>	<b>House 2<sup>nd</sup> Read</b>
SB1499	Ranked Voting	Mendez	2 <sup>nd</sup> Read
SB1500	Presidential Candidate Requirement to release 5 years Tax Returns to appear on ballot	Mendez	2 <sup>nd</sup> Read
SCR1013	Signatures for Initiative/Referendum	Kavanaugh	2 <sup>nd</sup> Read
SCR1033	Voting Age to 16	Mendez	2 <sup>nd</sup> Read

For more information on specific legislation - <http://www.azleg.gov/Bills.asp>

## ATTACHMENT 6

### *DRAFT*

The EIC Subcommittee on Election Legislation met on Jan 11, 2017 to discuss election legislation, resulting in the following list of topics for review by the full Commission:

#### **Suggested Revisions of Arizona Election Law**

- 1) Eliminate the EAC certification requirement (16-442) and place some meaningful technical review requirements on the equipment approval committee (16-502, 507). Require testing by an accredited lab using standards appropriate for the equipment being tested (16-442).
- 2) Remove names of presidential electors from ballot (16-502, 507)
- 3) Audits should be required, and counties should be able to audit additional races (16-602). Allow counties to use independent ballot scanning systems (like ClearBallot) for auditing.
- 4) Retain ballot images the same period as paper ballots and allow for distribution of ballot images (16-624)
- 5) Allow, but not require, approval or ranked voting (16-647, 650)
- 6) Rewrite recount trigger statute. Current law has meaningless triggers. The trigger is generally smaller than the vote variance seen in recounts. (16-661)
- 7) Change 5 day challenge to at least 10 days (16-673)
- 8) Eliminate the ban on "ballot harvesting". Unenforceable. (16-1005H)
- 9) Require release of database information statewide (e.g., CVRs and SOVC). (New)
- 10) Ease rules on regaining the right to vote after felonies. Make it easier for felons in more than one county to regain voting rights all in one court.
- 11) Move primary election to May or June (16-201, *10<sup>th</sup> Tuesday prior to general*)
- 12) Clarify voter intent rules for ballot duplication (16-621)
- 13) Require consistent procedures for overvoted ballots. Pima County reviews overvoted early ballots, but not overvoted precinct ballots. (New)
- 14) Clarify the need for voter anonymity, but without a ban on showing anonymous ballot images. Clarify illegality of placing any voter identifying marks on ballots. (16-1018)
- 15) Replace "precinct committeeman" with "precinct committeeperson".
- 16) Review and revise Procedures Manual before each statewide election (16-452).
- 17) Require uniformity of election reporting to state in easily decipherable format. Include breakdown by polling place, early, and provisional. Include number of in-district ballots. (16-622).
- 18) Maintain existing petition language (19-204). Others have recommended change that would have AZSOS prescribe petition language and change compliance level from "substantially" to "strictly."
- 19) Maintain requirement for petition signature in 5 counties (16-801). Others have recommended removing this requirement.

#### **Deletions**

Proposed deletions refer to tally boards that at one time actually counted votes in public at the polling places, or to lever machines that no longer exist:

Title 16 Sections 517, 531, 601, 604, 605, 606, 607, 614, 615, 616, 618, 619, 620, 641, 643.

## ATTACHMENT 7

3/30/2017

16-442 - Committee approval; adoption of vote tabulating equipment; experimental use; emergency

### 16-442. Committee approval; adoption of vote tabulating equipment; experimental use; emergency

A. The secretary of state shall appoint a committee of three persons, to consist of a member of the engineering college at one of the universities, a member of the state bar of Arizona and one person familiar with voting processes in the state, no more than two of whom shall be of the same political party, and at least one of whom shall have at least five years of experience with and shall be able to render an opinion based on knowledge of, training in or education in electronic voting systems, procedures and security. The committee shall investigate and test the various types of vote recording or tabulating machines or devices that may be used under this article. They shall submit their recommendations to the secretary of state who shall make final adoption of the type or types, make or makes, model or models to be certified for use in this state. The committee shall serve without compensation.

B. On completion of acquisition of machines or devices that comply with the help America vote act of 2002 (P.L. 107-252), machines or devices used at any election for federal, state or county offices may only be certified for use in this state and may only be used in this state if they comply with the help America vote act of 2002 and if those machines or devices have been tested and approved by a laboratory that is accredited pursuant to the help America vote act of 2002.

C. After consultation with the committee prescribed by subsection A, the secretary of state shall adopt standards that specify the criteria for loss of certification for equipment that was used at any election for federal, state or county offices and that was previously certified for use in this state. On loss of certification, machines or devices used at any election may not be used for any election for federal, state or county offices in this state unless recertified for use in this state.

D. The secretary of state may revoke the certification of any voting system or device for use in a federal, state or county election in this state or may prohibit for up to five years the purchase, lease or use of any voting system or device leased, installed or used by a person or firm in connection with a federal, state or county election in this state, or both, if either of the following occurs:

1. The person or firm installs, uses or permits the use of a voting system or device that is not certified for use or approved for experimental use in this state pursuant to this section.
2. The person or firm uses or includes hardware, firmware or software in a version that is not certified for use or approved for experimental use pursuant to this section in a certified voting system or device.

E. The governing body of a city or town or the board of directors of an agricultural improvement district may adopt for use in elections any kind of electronic voting system or vote tabulating device approved by the secretary of state, and thereupon the voting or marking device and vote tabulating equipment may be used at any or all elections for voting, recording and counting votes cast at an election.

F. The secretary of state or the governing body may provide for the experimental use of a voting system or device without a final adoption thereof, and its use at the election is as valid as if the machines had been permanently adopted.

G. After consultation with the committee prescribed by subsection A, the secretary of state may approve for emergency use an upgrade or modification to a voting system or device that is certified for use in this state if the governing body establishes in an open meeting that the election cannot be conducted without the emergency certification. Any such emergency certification shall be limited to no more than six months. At the conclusion of the certification period the voting system or device shall be decertified and unavailable for future use unless certified in accordance with this section.