

ELECTION INTEGRITY COMMISSION 2017 ANNUAL REPORT April 2018

ELECTION INTEGRITY COMMISSION MISSION STATEMENT

To provide independent oversight of the County election process and to review and make recommendations to the Board regarding election information technology systems as well as technical and procedural matters.

I. INTRODUCTION

The Pima County Election Integrity Commission (EIC) was created on July 1, 2008 by Board of Supervisors' direction. The ten voting members are appointed in the following manner: One member appointed by each of the five sitting Board of Supervisors members for a total of five; one member appointed by the County Administrator; one member appointed by each political party with party recognition in Pima County for a total of four. In addition to the ten voting members, one non-voting ex officio staff member is appointed by Pima County.

The Election Integrity Commission posts schedules, agendas and minutes for all meetings on its website: <http://webcms.pima.gov/cms/One.aspx?portalId=169&pageId=36062>

The Election Integrity Commission Annual report is a publication filed at the close of the calendar year. It is intended to keep Commission stakeholders, County executives/officials, and representatives apprised of important activities, election updates and other relevant information for those unable to attend monthly EIC meetings. The Annual Report will be distributed to the Board of Supervisors and Political Party officials via email and posted on the EIC website.

II. EIC COMMISSIONERS

Commissioners are appointed to a term of two years from the date ratified by the Board of Supervisors.

Name	Office	District/Jurisdiction	Term Expiration
Bill Beard		1	November 17, 2018
Jeffrey Rogers		2	January 6, 2019
Tom Ryan		3	July 31, 2018
Vacant (Ken Moyes)		4	
Barbara Tellman	Vice Chair	5	September 30, 2018
Arnold B. Urken		County Administrator	July 31, 2018
Brian Bickel		Democratic Party	May 7, 2019
Vacant (Mary DeCamp)		Green Party	
Christopher D. Cole		Libertarian Party	May 14, 2019
Karen Schutte	Chair	Republican Party	December 7, 2018
Brad Nelson		Ex-Officio	

Per the EIC Bylaws, officers were elected at the January meeting, resulting in the election of Commissioner Karen Schutte, as Chairman, and Commissioner Barbara Tellman, as Vice-Chair.

John Voorhees, Assistant County Administrator replaced Nicole Fyffe, Executive Assistant to Mr. Huckelberry on the EIC as the Commission's liaison to the County Administrator.

III. 2017 MEETING SCHEDULE

Meetings were held at the Herbert K. Abrams Building, 6550 South Country Club Road in Tucson on the following dates:

- Wednesday, January 25 & Thursday, January 26, 2017 (at the Elections Office)
- Friday, February 17, 2017
- Friday, March 17, 2017
- Friday, April 21, 2017
- Friday, June 16, 2017
- Friday, August 18, 2017
- Friday, September 15, 2017
- Friday, October 20, 2017
- Friday, November 17, 2017
- Friday, December 15, 2017

IV. 2017 ELECTIONS CONDUCTED BY PIMA COUNTY

There was one election held in 2017:

- November 7, Special Election

This was primarily a City of Tucson election and the vast majority of ballots were submitted by mail. There were several school bond elections and a special tax election in Oro Valley. The only polling places were in Oro Valley.

Commission members received complete reports on the election and discussed a number of issues. In all cases the problems reported were minor and mostly attributable to mistakes made by poll workers.

V. RISK LIMITING AUDITS & PILOT STUDY

Arizona law (A.R.S. §16-602) provides statutory support for conducting hand counts of a limited sample of ballots to check the performance of the election system. The hand counts are unquestionably beneficial, and it is comforting that the hand counts have agreed closely with the official counts of those ballot samples.

Several members of the EIC felt that one of the significant shortcomings of Arizona's audit law is that the prescribed hand count sample size did not have statistical connection to any rigorous measure of confidence that the election results are correct. State law says that the sample size shall be 2% of precincts and 1% of early ballots. In recent elections, Pima County has chosen to double the sample. In January 2016, the EIC became aware of an auditing technique called Risk-Limiting Audits (RLAs) that was to provide a systematic way to obtain strong assurance that the election system has reported the correct winners. The size of the sample set depends on the fractional vote margin between contest winners and losers – the larger the margin, the smaller the sample set. The

audit stops if it becomes statistically unlikely (the risk limit) that the reported outcomes are in error.

In February 2016, the inventor of RLAs, Dr. Philip Stark of Cal-Berkeley, gave a presentation to the EIC describing the basic philosophy of the audit and how it would be conducted. RLA theory allows for several different procedures depending on the capabilities of the installed election system. The EIC considered conducting a pilot study during the 2016 General Election but decided against it given concerns that the RLA might disrupt standard procedures and create conflicts with the existing hand count. Instead the EIC, together with the Elections Department, decided to conduct the RLA pilot study on a mock election, originally scheduled for December, but ultimately moved to January 25, 2017. The mock election consisted of 30,000 ballots, each with the same six contests. 29,700 of these ballots were pre-marked by the printer and 300 were left blank. The EIC decided that members would fill out the 300 blank ballots. The actual mock election and RLA was attended by most of the EIC members and was supported by several Elections Department staff members.

Although the RLA provides a statistically rigorous approach to auditing, members and staff were concerned that a) the retrieval of ballots is cumbersome, b) the auditing of contests crossing county lines requires cooperation from multiple counties (or the state as a whole), and c) the resources needed to conduct the RLA, and the time involved, depends on reported election outcomes that cannot be predicted in advance.

VI. TRACKING NEW LEGISLATION

The EIC tracked monthly progress of legislation relevant to elections.

There were nine election related bills passed and signed by the governor, four in the house and five in the senate.

HB2304 permits a registered voter to receive a publicity pamphlet by email. It also requires the Secretary of State to provide the pamphlet by regular mail if an email is returned as undeliverable. It also prohibits the release of the voters email address for any reason.

HB2316 sets the term of a precinct committeeperson at two years, beginning on October first after the primary election in which the candidate was elected.

HB2416 prohibits more than two family members related by blood, marriage or law to the third degree from running for and serving on the same five-member school district governing board if the school district is located in a county with a population of more than 500,000 persons and has a student count of at least 250. It also extends the prohibition on school district employees holding membership on the governing board to include persons who directly provide certified or classified services as an employee of a third-party contractor and their spouses.

HB2486 stipulates that a candidate committee name must include the office sought by the candidate only if the candidate has a committee open for more than one office. It also redefines the beginning and end of an election cycle to conform with new campaign finance laws. The bill has a retroactive date of November 4, 2016.

SB1191 relates to the election of precinct committeepersons and defines when a vacancy occurs and the method for filling the same.

SB1307 stipulates that if the voter registration deadline falls on a weekend or other legal holiday, voter registrations received on the next business day are considered timely for purposes of voting

in that election. It also allows the chairman of the state committee of a political party to file for presidential electors up to 10 days after the primary election, rather than 90-120 days before the primary election.

SB1348 requires the Governor's election proclamation containing the time and offices in a General Election or special primary or General Election to fill a Congressional vacancy to be transmitted to both the officer in charge of elections and the clerk of each BOS. Currently, a copy of the general election proclamation is transmitted to the officer in charge of elections and a copy of a special election proclamation is transmitted to the clerk of each BOS. It also removes the requirement that the BOS meet and publish the proclamation, and instead requires the clerk of the BOS to publish the proclamation.

SB1370 prohibits a person from knowingly voting in two or more jurisdictions in this state for which residency is required and two state elections which are on the same day and contain federal offices. It also specifies that a person has only one residence for the purpose of voting.

SB1405 requires ballot arguments for budget overrides and bond elections to be signed as the school district governing board without listing individual names. Current law provides that additional arguments in favor of or against the proposed budget increase or bond issuance must be provided in writing and signed by those submitting the argument.

VII. LAWSUIT AND PUBLIC RECORDS REQUEST

On August 29, 2016 a lawsuit was filed in Superior Court by Mr. Richard Hernandez against Pima County to release the ballot images as part of public records request, something the County and EIC had been instructed by the Secretary of State Office to treat ballot images the same as paper ballots.

Eric Spencer of the Secretary of State's Office, during a meeting with this Commission, said that although images may become public record, he doubted they would become disclosable.

In March 2017, the legislature did pass SB1094 that says ballot images should be treated the same as paper ballots.

In May 2017, Judge Richard Gordon ruled on the status of ballot images. While the ruling stated that ballot images are public record, they are to be treated in the same manner as paper ballots and must be maintained but are not disclosable.

VIII. PUBLIC INPUT

Except for the lawsuit mentioned in the prior section, there was no public input to the Commission this year.

IX. SECURITY ISSUES

As we continue to hear concerns over the outside influence on the 2016 election, the Commission has been concerned that Pima County is doing everything possible to detect and/or prevent interference in elections held in Pima County.

While no system is impenetrable, the method of conducting elections in Pima County is extremely secure as evidenced by:

- Pima County uses paper ballots

- All electronic means of casting a ballot for duplication or for special needs voters have a paper trail.
- All tabulation equipment is “air gapped”, meaning it is not connected to a network in any form.
- All media used to transfer data is one time use only
- The operations in the tabulation area are compartmentalized so that no one individual is capable of manipulating the system.

The Security Plan and procedures used by the Elections Department are constantly reviewed to determine if they meet and exceed security requirements.

X. CONCLUSION

The Commission continues to fulfill its mission of monitoring the election process in Pima County. While no system is infallible, it is our opinion that the Pima County system is as secure as feasible, and voters should feel confident that Pima County elections are free of outside interference.