



# ELECTION INTEGRITY COMMISSION 2018 ANNUAL REPORT February 2019

## 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.

### 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.

### 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, 2020
Jeffrey Rogers		2	January 6, 2019
Steve Pothier		3	May 31, 2020
Levoy Hurley		4	April 2, 2020
Barbara Tellman	Vice Chair	5	September 30, 2020
Arnold B. Urken		County Administrator	July 31, 2020
Brian Bickel	Chair	Democratic Party	May 7, 2019
Vacant (Mary DeCamp)		Green Party	
Christopher D. Cole		Libertarian Party	May 14, 2019
John Cote		Republican Party	June 18, 2020
Brad Nelson		Ex-Officio	

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

John Voorhees, Assistant County Administrator is the EIC as the Commission's liaison to the County Administrator.

### **2018 MEETING SCHEDULE**

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

- Friday, February 16, 2018
- Friday, March 16, 2018
- Friday, April 20, 2018
- Friday, May 18, 2018
- Friday, June 22, 2018
- Friday, July 20, 2018
- Friday, August 17, 2018
- Friday, September 21, 2018
- Friday, October 19, 2018
- Friday, December 7, 2018

### **2018 ELECTIONS CONDUCTED BY PIMA COUNTY**

There were two elections held in 2018:

- August 28, Primary Election
- November 7, Special Election

This was a normal mid-term election cycle with significant increase in voter turnout in both the primary and general elections. Mail in ballots (PEVL) remains constant in the 80% range. The most significant observation is that the signature requirements for voter initiatives increased significantly because of the increased voter turnout and will remain that way for the next election cycle. It remains to be seen whether this trend continues into the future.

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. Hand count audits were conducted for both the primary and general elections and no discrepancies were noted.

### **PROBLEMS WITH THE ELECTIONS MANUAL**

The Commission had, and continues to have, significant concerns regarding the Elections Procedures Manual. This manual, per ARS 16-452 B, must be submitted to the Governor and Attorney General not later than ninety days before each election for approval and issued not later than thirty days before the election. It should be noted that the Elections Procedure Manual currently displayed on the Secretary of State's website was issued by Secretary Ken Bennett and approved by Attorney General Tom Horne and Governor Jan Brewer.

Numerous attempts were made by Commissioners, acting as private citizens rather than members of the Commission, to submit public input which were generally ignored due to time constraints. It was understood by the Commission that a manual had been prepared and submitted to the Governor

and Attorney General for their approval, however there is no evidence of that anywhere on the Secretary of State website. This is an area of ongoing concern with the Commission and will be addressed with the Secretary of State's office.

Other areas of concern relating to the Secretary of State's office are the lack of functionality of the Motor Voter Registration system and the inability of county, municipal and local candidates to gather petition signatures electronically even though both are statutory requirements.

In light of recent concern regarding voter suppression and voter fraud, the inability of the Secretary of State's office to provide required documentation and services does little to inspire the confidence of the electorate in our elections process. Resolution of these issues will be a focus of the Commission in the coming year.

### **TRACKING NEW LEGISLATION**

The EIC tracked monthly progress of legislation relevant to elections.

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

**HB2153** A filing officer, enforcement officer or other officer of a city, town, county or other political subdivision of this state may not require an entity that claims tax exempt status under section 501(a) of the internal revenue code and that remains in good standing with the internal revenue service to do any of the following: 1) register or file as a political action committee 2) report or otherwise disclose personally identifying information relating to individuals who have made contributions to that entity 3) disclose its schedule B, form 990 4) submit to an audit or subpoena or produce evidence regarding a potential campaign finance violation

**HB2173** Nonpartisan elections and elections held by a school district, a city or a town and that are not held concurrently to a general election shall be called no later than one hundred twenty days before the date of holding the election. Specifically addresses elections held by school districts, cities and towns.

**HB2538** If a vacancy in the office of united states senator occurs more than one hundred fifty days before the next regular primary election date, the person who is appointed pursuant to subsection c of this section shall continue to serve until the vacancy is filled at the next general election. If a vacancy in the office of united states senator occurs one hundred fifty days or less before the next regular primary election date, the person who is appointed shall serve until the vacancy is filled at the second regular general election held immediately after the vacancy occurs, any candidate for nomination to fill that vacancy shall submit at least 0.125 percent of the total number of qualified signers in the state notwithstanding section 16-322, subsection a, paragraph 1 and the person elected shall fill the remaining unexpired term of the vacated office. This bill provides clarification on the process of filling a United States senate vacancy prompted by the death of Senator John McCain.

**HB2604** A. after consideration of the court's opinion in city of Tucson V. state, 235 Ariz. 434 (ct. app. 2014), the legislature finds and determines that it is a matter of statewide concern to increase voter participation in elections, including elections for cities, including charter cities, towns and other political subdivisions, and the legislature finds and declares that if cities, including charter cities, towns and other political subdivisions demonstrate low voter turnout in elections that are not held on the consolidated election dates prescribed in section 16-204, the low voter turnout constitutes sufficient factual support for requiring candidate and other elections to be held on certain specific consolidated dates. The legislature further finds and declares that after evidence of low

voter turnout in city, including charter city, and town elections and in elections held for other political subdivisions, increasing voter turnout through the use of consolidated election dates for candidate and other elections as prescribed by this section is a matter of statewide concern. This section preempts all local laws, ordinances and charter provisions to the contrary. B. A political subdivision shall hold its elections on a statewide election date if its previous elections on a non-statewide election date resulted in a significant decrease in voter turnout in that political subdivision. C. Beginning with elections in 2018, for each political subdivision's elections, other than special elections or recall elections, if a significant decrease in voter turnout occurs as prescribed in subsection b of this section, the political subdivision shall hold its subsequent elections on the statewide election dates beginning three calendar years after the occurrence of the significant decrease in voter turnout. D. For the purposes of this section: 2. "significant decrease in voter turnout" means the voter turnout for the office that received the highest number of votes in the most recent candidate election for a political subdivision in which candidates are elected at large, or portion of a political subdivision if candidates are not elected at large, is at least twenty-five percent less than the voter turnout in that same political subdivision or portion of a political subdivision for the most recent election in which the office of the governor appeared on the ballot. 3. "statewide election date" means the date of the regular statewide primary election and the regular statewide general election. 4. "voter turnout" means the number of ballots cast in a specific candidate race prescribed by this section divided by the total number of active registered voters in that political subdivision or portion of a political subdivision, as applicable, or if no specific candidate race is prescribed by this section, the number of ballots cast in that political subdivision or portion of a political subdivision, as applicable, divided by the total number of active registered voters in that political subdivision or portion of a political subdivision at the election prescribed by this section.

SB1058 In addition to any other appropriations made in fiscal year 2017-2018, the sum of \$2,500,000 is appropriated from the state general fund in fiscal year 2017-2018 to the secretary of state for the purpose of reimbursing expenses incurred by a county for the administration of the special primary and special general elections to fill the vacancy in the United States house of representatives for Arizona's congressional district 8. This bill had no impact on Pima County.

SB1437 This bill addressed language that was in statute as a result of the Federal Voting Rights Act that became non-applicable as a result of the United States Supreme Court ruling on the repeal of those certain portions of said act. It also eliminates references to voting equipment and/or terminology that is no longer applicable.

### **PUBLIC RECORDS REQUEST**

There were no public record requests made of the Commission this year.

### **PUBLIC INPUT**

Except for an occasional member of the public there was no public input to the Commission this year.

### **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. They have been recently reviewed by the Commission and are posted on the Elections Department website for public view.

One topic for review and discussing during the coming year is a review and understanding of workflow in the elections department. This is being done to help Commissioners understand the operations of the department during an election as well as to provide an opportunity for the Commissioners to provide input and comment.

### **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 secure, and voters should feel confident that Pima County elections are free of outside interference.