



Board of Supervisors Memorandum

August 5, 2014

**Election Integrity Commission Proposal on Hand-Count Audit by
Precinct of Early Primary Ballots**

The Board of Supervisors recently received communication from the Election Integrity Commission (EIC) recommending an experimental procedure to conduct a hand count audit of Early Ballots from two precincts after the August 26 Primary Election. I have requested an analysis of this proposal from the County Attorney, since a member of the EIC believes doing so may violate Arizona law. In my conversations with the Chief Civil Deputy County Attorney, he indicated this matter would be discussed with the Board of Supervisors in Executive Session on August 5, 2014.

Regardless of the County Attorney's opinion, the proposal is problematic for a number of reasons; not the least of which is maintaining voter confidence in the elections systems. This proposed procedure would involve opening sealed boxes of tabulated ballots, which are not boxed by precinct, and extracting from each box only those Early Ballots for the specified precincts to be audited. It would also require locating Early Ballots with write-in votes, which are maintained in a different location, for the hand count and then returning all the ballots to their proper locations after the hand count. This will disrupt the chain of custody required by law, and it is unlikely it can be done with complete accuracy. All of this handling of ballots cast by many voters would become especially problematic in the event of a subsequent challenge to the results of the Primary Election.

This matter was also referred to Secretary of State Ken Bennett's office. Attached is the response of Jim Drake, Deputy Secretary of State. Mr. Drake believes that to introduce this proposal at this late date in the election process is problematic; and if such is a recommended process or procedure, that it be done uniformly and in accordance with a delineated process in the Secretary of State's Election Procedures Manual.

Recommendation

I recommend the Board of Supervisors not direct the Elections Department to proceed with the actions recommended by the Election Integrity Commission regarding the experimental hand-count audit of Early Ballots by precinct.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "C.H. Huckelberry".

C.H. Huckelberry
County Administrator

CHH/anc – July 30, 2014

Attachment

c: Ellen Wheeler, Assistant County Administrator
Brad Nelson, Director, Elections Department

Amanda N. Colon-Sisco

From: Ellen Wheeler
Sent: Tuesday, July 29, 2014 5:00 PM
To: Amanda N. Colon-Sisco
Subject: FW: Letters to the BOS

From: Drake, Jim [mailto:jdrake@azsos.gov]
Sent: Tuesday, July 22, 2014 10:42 AM
To: Ellen Wheeler
Subject: RE: Letters to the BOS

Hi Ellen. We think that this idea is problematic at this time. We only have about four weeks before the primary. There is a place and a forum for entertaining this type of change . . . the Procedures Manual redraft meetings. In the past, we had a subcommittee work on precise details to reduce or eliminate uncertainty because of the "human" element involved in hand counts. Procedures would have to be developed for the retrieval and return of the ballots – that alone could be a really big task.

Jim

From: Ellen Wheeler [mailto:Ellen.Wheeler@pima.gov]
Sent: Monday, July 21, 2014 2:00 PM
To: Drake, Jim
Subject: FW: Letters to the BOS

Hi, Jim,

I wanted to give you a heads up about a recommendation from our Election Integrity Commission to the Board of Supervisors regarding a proposed experimental hand-count of early ballots by precinct. Also attached is a memo in opposition to this recommendation from EIC member Benny White, who raises objections based on state law and procedures.

I would appreciate your thoughts on this proposal. Can I give you a call later today or tomorrow?

Ellen Wheeler

From: Sara Balentine
Sent: Monday, July 21, 2014 11:41 AM
To: Arnold B. Urken (arniebu@gmail.com); Barbara Tellman (barbt2@cox.net); Benny White (bennywhite1@cox.net); Bill Beard (pceicbeard@hotmail.com); Brad Nelson; Christopher D. Cole (gruundehn@gmail.com); Elaine Lim (etl@u.arizona.edu); Ellen Wheeler; Matt Smith; Michael Duniho (maduniho@cox.net); Patrick Pecoraro (pat@kalilbottling.com); Tom Ryan (TWMJRYAN@cox.net)
Subject: Letters to the BOS

I am attaching the signed letters of recommendation to the Board of Supervisors. The paperwork has been prepared and submitted for the August 5, 2014 Board meeting.