



**PIMA COUNTY ELECTION INTEGRITY COMMISSION
MEETING SUMMARY FOR FEBRUARY 21, 2014**
<http://www.pima.gov/commission/ElectionIntegrity.shtml>

The Pima County Election Integrity Commission met in regular session on February 21, 2014 in the Herbert K. Abrams Building, 1st Floor Conference Room #1104 at 3950 S. Country Club Road, Tucson, Arizona.

ITEM 1. ATTENDANCE

Present: Christopher Cole, Barbara Tellman, Elaine Lim, Pat Pecoraro, Mickey Duniho, Bill Beard, Arnie Urken and Tom Ryan, Benny White, Brad Nelson

Absent: Ellen Wheeler

ITEM 2. PLEDGE OF ALLEGIANCE

Those in attendance stood for the Pledge of Allegiance.

ITEM 3. APPROVAL OF MEETING SUMMARY – January 24, 2014

It was moved by Benny White, seconded by Barbara Tellman and carried unanimously to approve the Summary of January 24, 2014 Elections Integrity Commission Meeting.

ITEM 4. NEW ARIZONA LEGISLATION – Bill Beard

Bill Beard has an alphabetical list of the State Legislative Bills introduced. Since Bill Beard wasn't sure if anyone had a particular Bill they wanted to follow, he was going to get a feel of that at this meeting. The only Bill to receive a vote in both Houses was the repeal of 2305. That Bill passed the Senate last night and was being sent to the Governor, who will sign it between now and first part of next week. Benny White asked Bill Beard if there was anything to try to re-introduce any of this. Bill Beard said he hadn't seen any legislation that would reinstitute any of 2305 as of yet. Arnie Urken asked Bill Beard about HB 2364, he stated he was not interested if the House Bill would go forward, but is more interested in what it would do to the requirements for purchasing election systems. Arnie Urken wants to know if it would grandfather what they are trying to do with the County or would they have to update the machinery by a certain time. Bill Beard will look into more information in reference to HB 2364. Barbara Tellman asked Bill Beard if HB2194 was moving on. Bill Beard said at this point he doesn't get a sense that it is. Bill Beard said there seemed to be a lot of Bills that have gone into the introductory stage, but the sense he got from talking to Legislators in both House and Senate was the focus of this Legislative Session is the budget because as soon as they get done with that, they can go home.

A good chunk of the Bills haven't been assigned to committees yet, so it's hard to say how far some of these Bills will go. Barbara Tellman asked about HB2194 saying second reading and she wanted to know what that meant. Bill Beard answered that after a Bill is introduced it has to be read three times and then sent to committee or committees. **Christopher Cole or Arnie Urken** asked about SB1425 and what affect it will have on Pima County getting e-poll books. Bill Beard said that bill dealt with voters who go to the wrong polling location and there will be a form that poll workers fill out and give to the voter with the correct polling location written on it. **Christopher Cole or Arnie Urken** asked if e-poll books was part of the bill. Bill Beard said 1425 deals with e-poll books but a lot of the language was about correct poll locations. **Christopher Cole or Arnie Urken** said that e-poll books was kind of incidental in 1425. Bill Beard said if he is remembering this specific bill, the language authorized the use of e-poll books. Mickey Duniho asked Bill Beard if there was any Legislation we should be paying attention to. Bill Beard said 2305 is probably the main one. It seems to cut across party lines. There are some things regarding independent expenditures disclosures and what not in Senator's Reagan's SB1403. That one, I think has some legs whether or not it is fully implemented it's hard to say. Benny White said HB2107 is a bad bill. It simply says that the Secretary of State shall develop electronic signatures but it doesn't give any guidance as to what records should be produced and it doesn't provide anybody with grounds for challenging. Mickey Duniho asked if the online signatures were for ballot petitions. Benny White said it was for nomination petitions and \$5 clean election signatures. Electronic signatures are in existence right now for all statewide and legislative office under a pilot program that runs through this year and would be extended under this bill. Brad Nelson said HB2658 has come up predominantly with Mickey voicing his opinion that public schools should be open on Election Day to be used as polling places and perhaps not have class that day. This bill addresses that very question. It would move in service teacher days to election days and school presumably wouldn't be in on those days. I have spoken in favor of this bill. Barbara Tellman thanked Bill Beard.

ITEM 5.

REMOVAL OF POLLING PLACE SCANNERS – analysis of impact – Brad Nelson

Brad Nelson said he e-mailed a memo to the Commission talking about his decision to go scannerless, the recommendation he made to Mr. Huckleberry and Mr. Huckleberry's acceptance. He also included some of the impacts going forward and he is open for any comment. Barbara Tellman asked Brad what happens to the ballots from the time they reach a Receiving Station to when they get to the Counting Room, what happens and how much work is involved. Brad said the poll workers would count the ballots, seal them in the ballot box and take them to the Receiving Station. After they are received there, they will be transported to Election Central where the seals will be broken, checked with against the ballot report that is inside the box. The ballot report is reviewed to see if their math balances and if it does, the box is sent to the Counting Room for tabulation. If the count matches it is committed to the aggregate. If the count doesn't match, it is not committed to the aggregate, the ballots are put back in the box and the box is sent to snag for remedy if possible. Barbara Tellman asked about duplication of bad ballots. Brad Nelson said if a ballot cannot be read, it will be sorted into a bin or the machine will stop similar to what we have now. Those ballots will go for duplication. Christopher Cole asked Brad about clarification regarding over votes and under votes and how we would handle voter intent and adjudication. Brad Nelson said he would begin an education effort before voters got the polls letting them know if they make a mistake or make a stray mark, they can get another ballot and even another ballot.

There will be information at the polling place in both languages saying the same thing. Once the education is done, the voter has to take some responsibility and if they over vote their ballot, then it will go through the machine as an over vote. If they under vote their ballot, that is their privilege to do so. Christopher Cole asked if there was no adjudication. If the machine tells you there is an over vote or an under vote, then it is. Brad Nelson said that's correct. Mickey Duniho said if there was a close election and someone contested then there would be manual adjudication. Brad Nelson said that was true as it was true in our current situation. Tom Ryan asked Brad Nelson if there was some mechanism to find all the over votes. Brad said no. Pat Pecoraro said the current scanners can be programmed to stop on an over vote. Are you saying the high speed scanners wouldn't do that? Brad Nelson said they have that capability and it all depends on how you want to program it. Mickey Duniho said he remembered the ES&S presentation talked about shifting over voted ballots to different bin. Brad Nelson said yes that was his understanding. Barbara Tellman said so with the early ballots, you have people sitting at a table looking at the ballots and tossing some out that need duplication. With the ballots that come in from the polling places, the machine will do what the people at the tables do? Brad Nelson said yes. Barbara Tellman said so the scanner will then reject them? Brad Nelson said there is that possibility. Benny White said he thought Brad Nelson was being overly optimistic and he, Benny, was being overly pessimistic but he had some concerns. The ballot reports in the past have come back and many of them had errors. Most of the math errors are administrative errors, so when you talk about verifying the ballot report verses the tabulation number without looking at the poll list is not good. I would ask that before the ballots get to the tabulation room, someone looks at the poll list to see if the number of ballots cast matches the number of names. In the same line as we go through the e-poll book process, I'd like to see that become automated so we aren't relying on people to keep accurate records. Brad Nelson said he was cautiously moving forward to have the e-poll book print a ballot report. There was a lot of talk regarding over votes and voter intent which led to the security aspect of having no scanners at the polls. Tom Ryan finally said that he didn't there was any rush on making a decision as to whether scanners should be at the polling place but did tell everyone that if they had a strong issue one way or the other, they should write a memo that they would want to be sent to the Board of Supervisors and we can go over the memos and talk in specifics.

ITEM 6.

PRESIDENTIAL COMMISSIONS ON ELECTION ADMINISTRATION – Tom Ryan

Tom Ryan suggested they hold off on this item until everything else is done because his goal was to go through each recommendation to see where Pima County stands and that will take longer than one meeting to finish. (Conversation then continued after item 9)

PRESIDENTIAL COMMISSION ON ELECTION ADMINISTRATION – Tom Ryan (continued)

Tom Ryan created a spreadsheet of the Presidential Commission on Election Administration and thought the Election Integrity Commission should go through each item to see what Pima County's compliance status was on each one.

#1 – States should adopt online voter registration – Arizona is in compliance.

- #2 – Interstate exchange of voter registration information should be expanded – Pima County is in compliance through a pilot project. The length and funding for this pilot project was unknown and it was brought up that perhaps Chris Roads would have background information on it.
- #3 – States should seamlessly integrate voter data acquired through Departments of Motor Vehicles with their statewide voter registration lists – Arizona is in compliance.
- #4 – Schools should be used as polling places; to address any related security concerns, Election Day should be an in-service day. There was discussion as to whether or not Pima County is in compliance as Precincts are merged. There is Legislation that would allow schools to be used as polling places with the schools closed on Election Day. It was decided that action would be taken after the Commission sees what happens in the Legislature.
- #5 – Local officials should maintain a diagram of every polling place – Arizona is in compliance.
- #6 – The diagrams should be maintained in the Clerk’s Office – Pima County Elections Department keeps all surveys in house. Arizona is in compliance
- #7 – States should consider establishing vote centers – Arizona is in compliance.
- #8 – Jurisdictions should develop models and tools to assist them in effectively allocating resources across polling places. Employ “line walkers” to address potential problems among voters. – Arizona is in compliance.
- #9 – Voters should be given better information on line length before they go to the polling place – Pima County hasn’t had lines in a long time. Arizona is in compliance.
- #10 – To prepare for Election Day, jurisdictions must accurately estimate the number of registered voters per precinct – Arizona is in compliance.
- #11 – Election Officials should pretest the length of time it takes an average voter to vote a ballot – Arizona is in compliance.
- #12 – The sample ballot, along with polling locations and times, should be made available to voters no later than the beginning of in-person early voting or three weeks before Election Day. – Arizona is not in compliance but current practice is prudent.
- #13 – If the state law allows, jurisdictions should reduce the length and complexity of the ballot in Presidential election years. – Arizona is moving away from being compliant.
- #14 – Jurisdictions should develop models and tools to assist them in effectively allocating resources across polling place – Arizona is in compliance.

ITEM 7.

**ELECTION SYSTEM PROCUREMENT – Update – Brad Nelson
EIC Recommendations – Tom Ryan/Benny White**

Brad Nelson said there was a meeting next Thursday and they were close to the final stages of coming up with a Statement of Work. Unison has put their product into the certification process with the Secretary of State. Mickey Duniho asked if Larry Moore's system was up for certification and Brad Nelson said no. Benny White asked Tom Ryan if he wanted to talk about this. Tom Ryan said he had two things he wanted to talk about. Colorado wanted to replace their whole system and got an RFP and got as many as ten responses and then decided not to do anything. The other thing Tom Ryan wanted to talk about was Larry Moore's system. Tom Ryan said it was his understanding that Larry Moore's system has been tested by the laboratory that does the testing for the EAC but he's not going to go through the EAC because his system doesn't include ballot design so it isn't a whole system. At least with respect to the law or statutes, Larry Moore meets the requirements because he was tested at the laboratory. But, he doesn't meet the Secretary of State's requirement that he be certified by the EAC. It is my understanding Larry Moore is trying to get that changed and if this group feels like that's a good thing to do, we could make a recommendation that we eliminate the EAC requirement in the state statute. So that is something we may want to consider. Benny White spoke about using some of Yavapai County RFP and some of the State of Colorado RFP to come up with a Statement of Work for Pima County. The subject of having lease, buy or lease to buy in the RFP was talked about. That option is going to be in our RFP. Tom Ryan said he wanted to talk about two recommendations to the Board of Supervisors. The first was to make a recommendation to Board of Supervisors to have them ask the Secretary of State to drop the EAC requirement from their procedures manual. The second was regarding procurement and whether we should move forward or not on the purchase of a new system. Barbara Tellman asked how they could delay and be ready for the 2016 elections. Benny White said I think we're there. I am opposed to delaying. We've run out of time and lease provision is already included in what we're doing. Elaine Lim said she thought the first thing they should do is ask the Board of Supervisors to ask the Secretary of State to get rid of the EAC, but not to delay the RFP. Benny White said he would not object going to the Board of Supervisors to ask the Secretary of State to drop the EAC. Bill Beard made the motion to recommend to the Board of Supervisors that the EAC requirement in the Secretary of State's procedures manual be dropped. Barbara Tellman seconded the motion and it was passed unanimously. Tom Ryan said he was going to drop the recommendation to delay because of the feel of the Commission.

ITEM 8.

COST OF ELECTIONS – Arnie Urken/Brad Nelson

Arnie Urken said they were still waiting for Chris for information and he would wait until the next meeting. Bill Beard asked for the spreadsheet electronically. Brad Nelson said he would have Gloria Abarca send it out.

ITEM 9. **BALLOT BIFURCATION – Status Update – Brad Nelson**

Brad Nelson said he sent a memo to Chuck Huckleberry regarding laws that impact the August 26, 2014 Primary Election. The first is an Attorney General Opinion regarding bifurcation and a new election law that was HB2826 that consolidates municipal elections with our Primary Elections. With the Attorney General Opinion all precincts for the Primary Election will have ten ballots variations. For each of the recognized parties there will be a Federal Only ballot, which will have only federal offices on them and regular party ballots that will have federal office, state offices and county offices on them. Because municipal elections have to be on the Primary Ballot, those precincts that are all in Oro Valley will have eleven ballot variations and those precincts that both in and out of Oro Valley will have sixteen ballot variations. We are still waiting for the 10th Circuit Court to come to some conclusion, but as it stands now, that's what the Primary Election is going to look like.

ITEM 10. **NEW BUSINESS**

Brad Nelson said there would be a briefing on the Open Meeting Law at the April 18 Meeting. That briefing would take place either at 10:30 AM or 11:00 AM.

ITEM 11. **NEXT MEETING DATES**

Neither Tom Ryan nor Benny White would be available on March 21, 2014, so March's meeting date was moved to March 14, 2014. The meeting date in April will be April 18, 2014.

ITEM 12. **CALL TO AUDIENCE**

Matt Smith, Member of the Green Party, no comments

ITEM 13. **ADJOURNMENT**

It was moved by Benny White and seconded by Christopher Cole and unanimously carried to adjourn the meeting.