



COUNTY ADMINISTRATORS OFFICE

PIMA COUNTY GOVERNMENTAL CENTER
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C.H. HUCKELBERRY
County Administrator

November 27, 2012

The Honorable Ken Bennett
Arizona Secretary of State
Capitol Executive Tower, Floor 7
1700 W. Washington Street
Phoenix, Arizona 85007-2808

Re: Reforming the Arizona Election System

Dear Secretary Bennett:

I am writing to you at the direction of the Board of Supervisors, who canvassed the November 6, 2012 Election on November 26, 2012; 20 days after the election.

As you know, every Arizona county was counting provisional and conditional provisional, as well as dropped off early mail ballots, for as long as two weeks after the General Election date. This is not desirable. The election system in Arizona requires some streamlining and reform; however, this must be done carefully to avoid the unforeseen consequences of less than well thought out solutions. I would also observe that while the total vote count was slow, it was accurate, and a major overhaul is not warranted.

Election Integrity Commission

Pima County is the only county in Arizona that has a formal Election Integrity Commission. This Commission was established by the Board on July 1, 2008, over four years ago. Since then, the Commission has met on 42 occasions and continues to monitor and suggest methods for improving election process, accountability and integrity. They have made numerous suggestions, and Pima County has adopted significant check and balance procedures for election processing and vote tabulation.

The Commission has suggested to the Board, and the Board has endorsed, the concept of ballot scanning. Your office was involved in the passage of HB 2304, where the Arizona Legislature enabled a pilot test of ballot scanning in cooperation with one or more Boards

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of Supervisors. Our Commission encouraged the Board of Supervisors to participate in the pilot to evaluate the effectiveness of ballot scanning in election processing and integrity. On September 21, 2011, a letter was sent to your office offering to participate in this pilot (attached). We have yet to hear from you regarding our request for this pilot project. The Board of Supervisors, as recently as November 20, 2012, repeated their request by motion to expedite and approve the pilot ballot scanning proposal.

The Commission also continues to feel the audit processes identified in Title 16, as well as the Secretary of State's Election Procedure Manual, are inadequate to assure voters an election has been conducted accurately. The Commission believes use of the ballot scanning and tabulation process could be configured to provide a methodology for quickly and cost effectively auditing ballots to address this concern. This integrity test would be in addition to the required hand audit.

Factors Affecting Voting Patterns

As you know, voting patterns have changed significantly over the last 12 years. In the 2000 Presidential Election, 70 percent of ballots were cast at the polls on Election Day, and 30 percent were early. Twelve years later, in 2012, these percentages are almost exactly reversed.

Adding to the complexity of elections is the U.S. Census, which occurs every 10 years and requires redistricting or reapportionment and ultimately changes voting district boundaries; requires precincts to be altered and/or consolidated; and numerous other factors that may change the voting place of a voter. If you were to review historical voting records, you would find there are usually a significant number of provisional ballots cast in the General Election following redistricting.

Further complicating the number of provisional ballots cast is voter mobility. In Arizona, many voters who move remember to change their address for utility purposes, on their driver's license and on other essential, address-driven identification; but they very often forget to change their address on their voter registration card. It might be worth some effort to integrate these systems to ensure a more reliable voter registration database.

The trend toward early voting, the required Census-driven redistricting and voter mobility all lead to a higher number of provisional ballots being cast.

Old Election Equipment

As you know, all counties in Arizona utilize optical scanning vote tabulation equipment. This equipment was state-of-the-art in 2000, but it has gained antique status in 2012. It is old, parts are failing, new equipment is not being manufactured, and operable equipment must be obtained by scavenging for parts. Replacing this equipment is technically

challenging due to required certification of such tabulation systems by the US Election Assistance Commission, followed by state certification. Equally challenging is the integration of new imaging technology and public records law, as current law does not anticipate creation of, or public access to, this type of record. Replacing these systems will also be financially challenging, since it is estimated that to replace all of the optical scanning and Help America Vote Act (HAVA) accessible voting equipment in Pima County alone would cost \$6 million.

Voting Centers and Ballot on Demand

While we have read media reports that you may prefer to establish a number of regional voting centers that operate via voting on demand, we would urge a thorough analysis before embarking upon this process. In the past, our use of ballot on demand hardware and software has been less than satisfactory due to ballot quality and, hence, lack of tabulation where stretched ballots had to be duplicated before scanning. We nearly had to hand count the 2008 General Election due to some of these problems. We also understand Yuma County had issues with this process in the recent General Election. This solution may just transfer the problem to another point in the process.

Early Ballot Drop-off and Verification

A number of voters, in our case 57,000, chose to drop off their early mail ballots at the polling place on Election Day, which meant 15 percent of the total vote could not be counted on Election Day because of required voter registration signature verification. This took days due to the volume of early mail ballots dropped off at the polls. Solving this problem will be very difficult and complex, as early and rapid signature verification, known as "same day" verification, raises questions of election integrity and would definitely require more precinct staffing and equipment.

Statewide Process to Obtain Input from Elected Officials and Recordors

In the past, we have participated in statewide processes to modify the State Election Procedure Manual. We encourage the continuation of the review process by all counties, as there continue to be many segments of the law and the Election Procedure Manual that are no longer applicable to present election processes and technology. Our Commission also offers an underutilized, diverse set of skills and experience that could be helpful in this process.

Election Costs Incurred by Counties have Soared

The cost of conducting elections has soared in the last 10 years. In 2000, the Primary and General Election cost was \$2.5 million; in 2008, this cost increased to \$5.5 million. Given the occurrence of a Presidential Preference Election, Special Congressional Election and

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General Election in 2012, it is likely County costs for conducting these elections will be nearly \$10 million. These escalating costs must be contained. Processes and system considerations need to include transparency and integrity, but at an affordable cost.

To contrast this cost with other service delivery costs in Pima County, the elections occurred on five specific calendar days within 2012. The cost to operate our entire Parks Department for a full year is only slightly more.

Summary

In summary, tabulation of the November 6, 2012 election took too long. However, there are plausible, explainable reasons for such. The election system in Arizona is not broken or in need of a major overhaul, but improvements are necessary. Large numbers of early mail ballots being dropped off at polling places will continue to occur in the future and, therefore, some process modifications need to be made.

Regardless of process or procedural changes to speed up vote counts, election equipment in Arizona is old and in need of replacement, which will require significant investments by the State and counties.

Finally, we still believe a pilot ballot scanning demonstration project warrants approval, and we are willing to provide support to ensure a meaningful pilot test.

We are ready to assist in meaningful election process modifications.

Sincerely,



C.H. Huckelberry
County Administrator

CHH/mjk

Attachment

c: The Honorable Chairman and Members, Pima County Board of Supervisors
The Honorable F. Ann Rodriguez, Pima County Recorder
Chair and Members, Pima County Election Integrity Commission
Martin Willett, Chief Deputy County Administrator
Brad Nelson, Pima County Elections Director
Dr. John Moffatt, Pima County Strategic Planning Director
Craig Sullivan, Executive Director, County Supervisors Association of Arizona
Michael Racy, Racy & Associates, Inc.



PIMA COUNTY BOARD OF SUPERVISORS
130 W. CONGRESS, 11th FLOOR
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September 21, 2011

The Honorable Ken Bennett
Arizona Secretary of State
Capitol Executive Tower, Seventh Floor
1700 West Washington Street
Phoenix, Arizona 85007-2888

Re: Graphic Scanning Pilot Study

Dear Secretary Bennett:

The enactment of House Bill (HB) 2304 has eliminated legal barriers to conducting a pilot study of the graphic scanning approach to election auditing. Upon the recommendation of the Pima County Election Integrity Commission, the Pima County Board of Supervisors would like to explore participation in a pilot study to better understand ballot scanning technology and how it might impact our elections. Our expectation is that this study will provide an objective basis for the evaluation of the technology to deliver thorough, cost-effective auditing to improve voter and candidate confidence in election outcomes.

In order for the study to maximize the insights and experience we seek, we would prefer that the elections are selected to be representative of elections held in Pima County having a large number of ballots and a significant number of ballot styles. The less complex the election is, the less we can potentially learn about the advantages and disadvantages of the proposed technology and how it melds with existing technology. We are willing to consider applying the auditing technology to past and/or future elections.

Pima County is willing to work with your office to develop a Statement of Work that incorporates a research plan that includes responsibilities of participants, scope of the experiment, evaluation and measurement standards and processes, development of the Request for Proposals with evaluation and vendor selection

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criteria, execution of the study, and documentation of the results leading to publication of a report no later than December 31, 2014. Once the Statement of Work is completed, the Board of Supervisors will review and evaluate Pima County's participation in the execution of the plan.

Sincerely,



Ramon Valadez, Chairman
Pima County Board of Supervisors

RV/mk

c: Chairman and Members, Pima County Election Integrity Commission
C.H. Huckelberry, Pima County Administrator
Dr. John Moffatt, Pima County Strategic Planning Office
Brad Nelson, Pima County Elections Director