MEMORANDUM

Date: October 29, 2014

To: The Honorable Chair and Members
Pima County Board of Supervisors

From: C.H. Huckelberry
County Administrator

Re: **History of Pima County Election Security and Transparency Activities**

At the August 5, 2014 Board of Supervisors meeting, Supervisor Ramón Valadez requested a history of election security and transparency efforts undertaken by Pima County in recent years. Pima County is committed to the integrity of its elections and has engaged in extensive and ongoing election security and transparency efforts. Since at least 2006, we have documented those efforts thoroughly in numerous memoranda to the Board describing these measures in detail. I believe the volume and thoroughness of these reports to the Board, all of which were made available to the public, clearly demonstrate our commitment to election transparency.

So much has been done to improve election security and transparency that it is difficult to present a complete picture of such measures in a single memorandum. For that reason, we have posted the key documents online at www.pima.gov/secureelections, and this memorandum will highlight some of the major steps that have been taken to ensure election security and transparency.

Security Measures Implemented Prior to the 2006 General Election
The County implemented facility and process modifications, electronic countermeasures, and training and staffing improvements prior to the 2006 General Election. Among these changes, which were detailed in an October 19, 2007 memorandum to the Board, were:

1. Installation of an electronic access control system to the entire counting facility, as well as other building security measures;

2. Installation of a video surveillance system covering all doors and areas where ballots or equipment will be handled or processed;

3. Process improvements negotiated with the political party observers, including production of control reports during counting days, event logs showing any installation of software, audit logs of the GEMS counting system, and schedules for processing of early ballots;

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4. Additional electronic countermeasures to ensure that no tampering has occurred; and

5. Documentation of every tabulation computer action from log-on to log-off.

In order to ensure transparency regarding these measures, my October 19, 2007 memorandum was posted on the County's web page, and the County invited public comment and hosted four public meetings to gather public input.

Arizona Attorney General's Findings Regarding the 2006 Regional Transportation Authority (RTA) Election

In addition, after we learned in May 2007 that allegations had been made regarding possible election fraud in connection with the May 2006 RTA election, I immediately asked the Pima County Attorney to request an investigation by the Arizona Attorney General. The Attorney General conducted a criminal investigation of these allegations and found no evidence of criminal wrongdoing by the County or its employees. The Attorney General ultimately conducted a complete hand-count audit of all votes cast in the RTA election and found no evidence of tampering, alteration or election fraud in the RTA funding vote.

Additional Security and Transparency Measures in 2007 and 2008

We continued to recommend and implement numerous security measures in 2007 and 2008, including:

1. Discontinuation of modem transmission of precinct-level results;

2. Improvement of chain-of-custody procedures and records;

3. Improved controls for ballot processing and auditing;

4. Implementing a hand-count audit of twice as many ballots cast at the polls as required by state law; and

5. Creation of the Pima County Election Integrity Commission (EIC) as an advisory group for the Board.

We also recommended a number of changes to state law to improve security and transparency, including authorization for the County to scan all ballots after the polls were closed and post them on the internet, in order to maximize transparency and allow the public to count votes and compare them to official totals. We continue to believe such an

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option would enhance voter confidence, but the Secretary of State and State Legislature have not supported this change to date.

Following a Superior Court order in 2008 that the two final electronic databases from the 2006 Primary and General Elections should be released to the Democratic Party, the Board directed staff to release all database files for the May 2006 RTA election, as well as the 2006 Primary and General Elections, which was done. The County had previously opposed release of the databases because we were concerned such release would significantly lessen election security. After the databases were released, we conducted and made public an electronic evaluation of historic County election databases, which showed there had been no changes to election software or other irregularities. We also released the design specifications and step-by-step documentation for the analytical tool used by the County and offered to share such analytical tool with any nonprofit or governmental entity.

Following the 2008 Primary Election, we implemented a wide range of process and organizational improvements for the General Election after consultation with all of the political parties. Such new measures improved the security and efficiency of the tabulation process, including ballot security, handling and transfer.

<u>2009 and 2010 Security and Transparency Efforts</u>

In 2009, the EIC (which had its first meeting on October 10, 2008) became active in reviewing election security and transparency issues and making recommendations to the Board. For example, in early 2009, the EIC recommended a number of amendments to state law and the Secretary of State's Elections Procedures Manual that the EIC believed would clarify the required procedures. In addition, the EIC conducted a detailed sequential review of the components of the electoral process in Pima County, and it also requested the County provide it a report regarding reported "anomalies" in the 2006 RTA election database. Such report was provided to the EIC and to the Board and was made public in April 2009.

Allegations were made in 2010 claiming the County had improperly released early vote counts in an all-mail election conducted for the Town of Oro Valley. These allegations and a point-by-point response were provided to the EIC, and sworn affidavits were submitted by Oro Valley Town Clerk Kathryn Cuvelier and Pima County Elections Director Brad Nelson, specifically refuting the allegations. Again, these allegations and the response were all provided not only to the EIC but also to the Board and the public in the interests of election transparency.

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Electronic election databases have continued to be provided after each election to the political parties, and these databases have matched the baseline database, showing integrity of the vote counts and the process.

Continuing Transparency and Security Measures Since 2010

As we moved into 2012, we continued to improve the safeguards that were implemented in prior years, including:

1. Video surveillance that captures and records the process as it unfolds. The public can watch the vote counting process live on the internet.

2. Representatives of political parties are at the Elections Department to observe all activities any time the election process is in operation.

3. There is limited, controlled access to the Elections building, the ballot handling area, and the tabulation area. Only those with credentials and identification are permitted in the areas where ballots are handled, but the public may observe via video monitors and/or a window into the counting area.

4. Keypad door locks, motion detectors and alarms protect the ballots, which, once counted, are stored in a secure vault.

5. The tabulation system, which cannot be operated by one person since it requires a two-party password, is not connected to the internet; and there is also no wireless internet access from the tabulation room to provide even more security.

6. Hand-count audits are used to verify the tabulation results.

We also have continued to improve poll worker training and evaluation to reduce human error in the voting process and provided "report cards" on the performance of temporary election workers in the various elections that year.

We have continued to advocate for the authority to use ballot scanning in connection with post-election audits, and we offered to participate in a pilot test of such technology in cooperation with the Secretary of State. Unfortunately, the Secretary of State has not been willing to conduct such a pilot.

Since 2013, the County has been in the process of considering purchase of new tabulation equipment needed to replace the 16-year-old GEMS system, which has begun to fail. This process has been conducted openly and with much discussion at the EIC and the Board about certain options; the major questions being whether to purchase only central

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tabulation equipment or add precinct scanners (for an additional $1.8 million) and whether to delay the purchase in the hope improved technologies will be available. Two members of the EIC participated in the County procurement process and helped develop the Request for Proposals.

<u>Elections Department and County Recorder Websites</u>

Both the Pima County Elections Department and the Pima County Recorder provide a great deal of information about elections processes on their websites. For example, the Elections Department, which prepares ballots, oversees Election Day polling places, and tabulates and reports election results, posted excellent information on the reasons for delayed results from certain races in the 2012 General election at this location: http://webcms.pima.gov/cms/One.aspx?portalId=169&pageId=26939. A complete election calendar and events are posted on the Elections website. http://webcms.pima.gov/cms/One.aspx?portalId=169&pageId=35889. The Recorder also provides excellent information via her website, including on voter registration and early ballots and voter Frequently Asked Questions. http://www.recorder.pima.gov/.

Finally, earlier this year, the EIC reviewed every one of the approximately 40 recommendations made by the Presidential Commission on Election Administration in its report dated January 2014. The EIC found that Pima County is in compliance with all those recommendations that are within the control or authority of the County.

As noted earlier in this memorandum, a number of prior memoranda to the Board and Minutes of the EIC meetings referenced above are posted online at www.pima.gov/secureelections. A list of these documents is also attached.

CHH/mjk

Attachment

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

DOCUMENTS POSTED AT
www.pima.gov/secureelections

Memoranda to the Board of Supervisors

- Public hearings on election security, 9-30-2007
- Election security actions and recommendations, 10-19-2007
- Release of election databases from 2006 General, Primary and RTA elections, 01-10-2008
- Proposed scanning and display of all ballots cast in elections, 01-16-2008
- Elections procedures and security, public comment, 02-13-2008
- Presidential preference election issues, 03-07-2008
- Election procedures and security, 04-03-2008
- Polling place vs. early voting and costs, 05-09-2008
- Election integrity issues and action, 07-01-2008
- Poll worker training, 08-12-2008
- Election database electronic analysis, 09-10-2008
- Primary election issues, 09-11-2008
- Primary election report and responses regarding specific issues, 10-03-2008
- Report regarding communications with party chairs and EIC, 10-22-2008
- EIC-recommended legislative changes, 01-09-2009
- Report responding to concern regarding database "anomaly," 04-27-2009
- EIC request for County Attorney briefing re: election law violations, 07-27-2009
- Cost of RTA litigation, 02-05-2010
- Election integrity (Oro Valley election), 08-02-2010
- Election integrity and tabulation of early ballots, 08-20-2010
- Hand count audit issues, 09-01-2010
- Database turnover and match to baseline, 09-03-2010
- Polling place performance reports, 03-16-2012
- Election-day precinct performance, 06-28, 2012
- Poll worker performance, 12-14-2012
- Planning for purchase of tabulation equipment, 07-22-2013
- Various elections issues, 09-03-2013
- Arizona Court of Appeals decision in favor of Pima County, 12-27-2013
- EIC recommendation that State waive EAC certification requirement, 03-11-2014
- Bifurcated state-federal ballots, 04-28-2014
- Arizona Supreme Court denial of petition for review, 05-22-2014
- EIC recommendation regarding precinct scanners, 08-05-2014
- EIC recommendation regarding hand count audit of early ballots by precinct, 08-05-2014

Correspondence

- Request for legal opinion regarding hand count audit, 09-17-2008
- Letter to Secretary of State Jan Brewer regarding poll worker error, 10-03-08

- Letter to Secretary of State Ken Bennett regarding meeting with EIC, 05-06-2009
- Letter to Attorney General Terry Goddard regarding AG audit of RTA election, 05-22-2009
- Letter to Secretary of State Ken Bennett regarding ballot scanning proposal, 11-27-2012
- Letter to EIC Chair Tom Ryan and member Benny White regarding participation in procurement process for tabulation equipment, 10-29-2013
- Memo to EIC regarding its recommendation to learn about Clear Ballot technology, 11-06-2013
- Secretary of State response to Board request to waive EAC certification, 06-24-2014
- Request for legal opinion regarding EIC recommendation regarding post-election audit, 07-23-2014

Election Integrity Commission Meeting Minutes

02-21-2014
03-28-2014
04-18-2014