



MEMORANDUM

Date: November 9, 2015

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

From: C.H. Huckelberry
County Administrator 

Re: **Hand Count Audit Results**

As directed by the Board of Supervisors, County staff and political parties conducted a hand count audit of 1) one countywide bond question; 2) one Tucson City Council contest; and 3) one Tucson ballot or Charter question. This hand count audit was performed on November 7, 2015, and a total of 2,683 ballots were audited. Of those, 1,283 were ballots cast at polling places, and 1,400 were early ballots.

As indicated in the attached report from the Elections Director, there was no difference between the machine counts and the hand count audits for both the countywide bond elections and the Tucson City Council contest. One vote was noted differently in the count for City Charter Proposition 201. This difference was attributed to the oval not adequately marked not or filled in completely, thereby failing to register in the computer tabulation.

No precinct was audited for the Town of Oro Valley election, since the County could not comply with two of the four conditions of the Town. Please see my attached November 6, 2015 memorandum to the Elections Director regarding this matter.

CHH/anc

Attachments

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



ELECTIONS DEPARTMENT

PIMA COUNTY GOVERNMENT
6550 SOUTH COUNTRY CLUB RD. TUCSON, AZ 85756
(520) 724-6830 FAX (520) 724-6870

PIMA COUNTY Hand Count / Early Ballot Audit Report

Pursuant to the direction of the Pima County Board of Supervisors a hand count audit of the November 3, 2015 consolidated election was performed on November 7, 2015.

The hand count began on November 7, 2015 when representatives from the Pima County Republican and Democratic Parties met to select the races, precincts, and early ballot audit batches to be audited. In accordance with the State of Arizona Election Procedures Manual, all ballots were accounted for in the central counting location before the selection process started. The selection order was chosen by lot, and the Republican Party was chosen to go first.

With the order established, the specific precincts and early ballot batches to be audited were selected with the representatives from each party alternating the selection. Once the precincts and batches were chosen, the races to be audited were selected.

At the direction of the Board of Supervisors a countywide bond question, City of Tucson Council contest and a City of Tucson ballot question were to be randomly selected for audit. The following list displays the contested races that were audited:

- Countywide Bond Question - Proposition 428
- Tucson Council Contest - Ward 2
- Tucson Ballot Question - Proposition 201

The hand count was conducted by 13 boards consisting of 3 members, of which not more than 2 members were from the same political party.

A total of 2683 ballots were audited; 1283 ballots from the polls and 1400 early ballots. There was no difference between the machine counts and the hand count audits for both the countywide bond question and council contest. There was a one vote difference between the hand count audit and machine count for proposition 201. The auditors attributed this difference to the voter not filling in the oval completely on their ballot.

The results of the early ballot audit and the precinct hand count were within the variance as defined by the Arizona Secretary of State.

A handwritten signature in black ink, appearing to read "Brad R. Nelson".

Brad R. Nelson, Director



MEMORANDUM

Date: November 6, 2015

To: Brad Nelson, Director
Elections Department

From: C.H. Huckelberry
County Administrator 

Re: Hand Count Audit of an Oro Valley Precinct

When the Board of Supervisors directed County staff to provide a hand count audit of the County bond election results, a Board motion indicated that one precinct in the Town of Oro Valley would be subject to a hand count if agreed to by the Town.

On October 28, 2015, you received an email from the Town indicating four conditions in approving the County's request to include the Oro Valley race in the hand count audit. Of those four conditions, the first and fourth cannot be met; hence there is to be no hand count audit of the Oro Valley elections results.

We agree with Conditions 2 and 3; however, the letters from the Secretary of State and Attorney General did not conclusively indicate Pima County has the legal authority to perform a hand count audit. Also, we certainly would not agree to defend and hold harmless and pay for any litigation filed against Pima County as a result of hand counting one precinct in Oro Valley.

CHH/anc

Attachment

c: Ellen Wheeler, Assistant County Administrator
Thomas Weaver, Chief Civil County Attorney

Maura Kwiatkowski

From: Brad Nelson
Sent: Friday, November 06, 2015 1:22 PM
To: Chuck Huckelberry
Cc: Maura Kwiatkowski
Subject: FW: Hand Count Audit

Mr. Huckelberry – Below is an email I got from the OV town clerk that pertains to the proposed hand count audit of OV races and the four provisions to perform the hand count audit for OV.

I never did get anything “official” from the Town of OV. Just this email.

Brad R. Nelson, Director
Pima County Elections
Tucson AZ
520.724.6830

From: Bower, Julie [mailto:jbower@orovalleyaz.gov]
Sent: Wednesday, October 28, 2015 4:03 PM
To: Brad Nelson
Cc: Sidles, Tobin; Daniel Jurkowitz
Subject: Hand Count Audit

Hi, Brad

The OV Town Council unanimously (7-0) approved our participation in the hand count audit as follows:

I move to approve Pima County’s request to include an Oro Valley race in its hand count audit under the following circumstances:

- 1) Pima County agrees that it is convinced it has the legal authority to request this hand count outside the statutes and agrees that no lawsuit will be filed by Pima County against Oro Valley or any of its officers
- 2) The results of this hand count may not be used to affect the outcome of any election and if it is, the Town’s permission is withdrawn because it then violates state law
- 3) Pima County agrees to pay all the associated costs of this hand count
- 4) If any lawsuit is filed, Pima County agrees to pay any and all of the costs associated with any defense and appeal if necessary

Just thought I’d let you know.

Thanks, Julie

Julie K. Bower, MMC
Oro Valley Town Clerk
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