

# **Pima County Election Integrity Commission**

## **Minute Summary**

The Pima County Election Integrity Commission met in regular session on February 25, 2011, at the Bank of America Building, 14<sup>th</sup> Floor, Emergency Operations Conference Room, 33 N. Stone Avenue, Tucson, Arizona 85701.

Upon roll call, those present were as follows:

**Item 1:        Roll Call**

**Present:**        Donna Branch-Gilby, Mickey Duniho, Charles Geoffrion, Jim March, John Moffatt, Pat Pecoraro, Tom Ryan, Drew Spencer, Arnie Urken, and Benny White

**Absent:**         Ann-Eve Pedersen

**Item 2:        Pledge of Allegiance:**

Also in attendance: Brad Nelson, Pima County Elections Department; Mike Dale, Pima County Elections Department, Chris Roads, Pima County Records Office

Those in attendance stood for the Pledge of Allegiance

**Item 3:        Approval of the January 21, 2011 Minute Summary:**

The minute summary was reviewed by the members of the Commission. No changes were noted. Pat Pecoraro motions to approve the summary, Arnold Urken seconds the motion. Motion unanimously approved.

**Item 4:        Poll Worker Evaluation Form – Donna Branch-Gilby**

Donna Branch-Gilby (with help from former Commission member Mary De Camp) created an evaluation form for the Commission's review and comment. This form would be available online and give each poll worker the opportunity to evaluate their experience.

Brad Nelson explains that the current Poll Worker comment handout is not provided to every poll worker, but provided to every polling location in every election. Poll workers are asked to fill out the comment survey and return it to the polling location by the end of the day. This process may have led to some poll workers holding back some critical comments, as those comments may have included fellow poll workers. The Elections Department is looking to create an individual form for every poll worker, and have it postage paid, self addressed so the surveys can be returned at their convenience. These surveys will be handed out in their training manuals when the poll workers attend their class. Brad Nelson is open to feedback and using ideas from Donna's evaluation form.

Charles Geoffrion encourages the Commission to continue to guide and provide input to the Elections Department versus micro managing the survey process.

The purpose of the survey is to get specific feedback regarding poll worker experience, in order to improve the process, and would be in addition to the current comment survey provided by the

Elections Department. The survey can be endorsed by the Commission, but micro-managing the process is discouraged. Charles Geoffrion recommends staff from the Elections Department and the Recorder's Office be available to answer questions from poll workers at the end of elections day possibly at the Regional Collection Centers where ballots and equipment are returned. Poll workers tend to want to voice their experience at the end of the day and allowing them time to talk may encourage more factual content.

Mike Dale, with the Elections Department, believes the current form suits the needs of the Elections Department adequately. Once he receives the forms, he creates a spreadsheet, and divides the answers into specific areas of the Elections Department, who will address the documented concerns.

Benny White recommends the form be filled out online, giving poll workers the chance to take their time when commenting, and have more room to write their comments/concerns. An electronic survey may also alleviate the need for Elections to manually go through each survey they receive.

Approximately 90% of the returned surveys indicate an average to above average satisfactory rate. The remaining 10% provide contradictory information, per Brad Nelson.

Benny White stresses that procedural compliance is a large problem with poll workers. Poll workers continue to make mistakes when distributing ballots to voters, despite adequate training from the Elections Department. Brad Nelson explains that the Recorder's Office and the Elections Department are researching how to make ballots easier for poll workers to identify and distribute to the correct voter. Once a voter shows his/her ID, a voter ID slip is provided to indicate what ballot that voter is to receive. The form will now be election-specific, and no box will be provided showing a specific ballot color.

The Commission agrees to keep this item active for future discussion. Benny White wants to look at an electronic process versus a paper process and evaluate the outcome. The County has been working on a new content management system for websites. This system includes a tool, which would give the ability to conduct surveys similar to the process proposed by Benny White. By summer, John Moffatt believes that the County can implement an online survey system for poll workers to complete, linking it to the EIC website.

Tom Ryan asks Brad Nelson to review procedure compliance, over the last couple of elections, and identify three or four issues to incorporate into the survey. Brad Nelson will test and evaluate the electronic form system and report back to the Commission.

**Item 5: Bylaws for Election Integrity Commission- Jim March-cont'd**

Jim March created a draft Bylaws document for Commission review. There are five (5) elements highlighted:

- How the agenda is controlled
- How the Chair is determined
- How to call an emergency meeting
- How we behave outside of the Commission, in relation to Commission business
- Public comments

Jim March praises the Commission on how meetings are conducted and has no complaints as to how the Chairs conduct the meetings. He feels that this agenda item should focus on bylaws specific to the Commissions needs, rather than focus on how to run a meeting.

Commission members are encouraged to review the document and provide feedback to Jim March (courtesy copy Catherine Hanna) with additional highlights.

John Moffatt reminds the Committee that content related to the agenda material must be distributed no-later-than the Monday prior to the meeting. This allows the Commission to review the documentation, and allows Catherine Hanna to forward the documents to the Clerk's Office. Jim agreed that should be included in the By-laws.

Arnie Urken suggests the bylaws be reviewed every two (2) years.

Jim March will create another draft and provide it at the next meeting.

**Item 6: Overseas Ballots – Tom Ryan**

Pima County's procedures for communicating overseas ballots, transmitting ballots, and returning ballots to Arizona is different from all other Arizona counties. Tom Ryan decided to research the issue.

Benny White felt that the email voting process was authorized by Federal and State law, and the decision to use email by Pima County was due to a concern that the Secretary of State's process was not secure and vulnerable to manipulation by the Secretary of State.

Chris Roads explains that Pima County was in the process of developing its current system when the Secretary of State's Office developed their system. The Secretary of State developed their system without Pima County input, or that of any other County, which was troubling. Secondly, the Secretary of State holds the title of Chief Elections Officer of the State; however, the Secretary of the State has no authority to possess, issue, or receive a ballot, leading to legal concerns.

The Secretary of State's website requires the County to upload a blank ballot and provide a password to a voter. The voter goes to the Secretary of State's website with the password, downloads the ballot, fills it out, uploads it back to the Secretary of State, and the Secretary of State notifies the County that there's a ballot to process. F. Ann Rodriguez felt very uncomfortable with this process.

The County's system sends a ballot in PDF format directly to the requested voter, after the voter's email address is verified. Once the ballot is filled out, it's emailed to the Recorder's Office, via a secured account, accessed only by specific staff. Staff notifies the voter that the ballot has been received.

The Secretary of State system is not mandatory to use; other Counties have chosen to opt out. Feedback from overseas voters has indicated that the County's website is more user-friendly than the Secretary of State's website.

Tom Ryan suggests that overseas voters email their vote, in addition to, sending their paper ballot back to the state. Ballots are sent 45 days prior to an election. The overseas citizens ballots are shipped through DHL (private service), and the military ballots are sent through USPS express mail or through foreign postal service. The County prefers DHL as postal service

in many countries is quite unreliable. Chris Roads clarified that ballots that are mailed back often are received months after an election. There are approximately 2300 overseas voters; some do not participate in the email ballots. Approximately 200-300 overseas voters utilize the hard copy ballot. Approximately 50 overseas voters utilize faxed ballots. Overseas voters who receive faxed ballots and email ballots also receive a hard copy ballot. Approximately 600 overseas ballots were returned for the 2010 Presidential Election.

The Commission discusses additional ways to make the County system more secure. Chris Roads explains that the affidavit, sent with the ballot, is signature-verified by County staff. Voter addresses are verified. Tom Ryan suggests Pima County look into a secure web transmission system where the County has complete control. John Moffatt explains that the County is looking into a new CMS Web System, allowing voters to vote on the County website. The electronic ballots from the CMS system would be turned over to the Recorder's Office for verification; however, national legislation would be required for that system.

Chris Roads will look into overseas procedures at the Commission's request.

**Item 7: Recorder's Report on Poll Worker Errors – Benny White**

Last meeting, Benny White asked Chris Roads for a memorandum, which outlined the expected skill set of a government worker assigned to a polling location, and the anticipated cost associated with using government workers as a poll worker.

Chris Roads didn't create a memorandum, and believes the Division of Elections would better determine what poll worker they would need. But the Recorder's Office is looking into using clerical level County employees as poll workers, as they are organized, accountable, and good at record keeping.

Chris Roads conducted some research, and noted that the Primary elections tend to be the most complicated due to the number of different ballots needed for that election. The Recorder's Office doesn't intend to place a government worker in every polling place.

The average wage of a government poll worker would be \$12/hour. Coconino County government workers received a full day's pay, in addition to, their poll worker pay, which covers any overtime issues. Government workers will get poll worker training, as well.

Benny White proposes the Commission forward a recommendation, through the Board of Supervisors, to consider using 12 County workers in the General Election of November 2011 to facilitate these election processes in the most troublesome voting areas. This pilot program is recommended to alleviate poll worker errors. If successful, the program can be expanded.

Benny White refers the Commission to the Political Party Count Election Poll Workers by Working Precinct handout. At the January 21<sup>st</sup> meeting, Benny asked Brad Nelson to provide a print out showing what political parties were assigned to the specific polling locations, as a concern was raised that there was inconsistent balance between political parties at the polls.

There were 10 polling locations with no Republican poll workers assigned, and nineteen (19) polling locations with one (1) Republican. Benny White is going to work with the Republican party to advance a list of poll workers to the Elections Board to create a better balance at the polls.

Out of the eight (8) poll workers assigned to a polling location, four (4) are required to be a member of one of the major political parties but should not all be of the same party; those four

(4) serve as inspectors, signature roster judge, ballot judge and the marshal. The remaining clerical staff can be associated with any party or no party, but must be registered to vote. The Elections Department does their best to recruit, train, and follow the statutory requirements. In some instances, poll workers do not show up to their assigned polling location to assist with the election, but the Elections Department has to be notified to replace those individuals with “stand-by” poll workers.

Brad Nelson assures the Commission that troublesome poll workers are removed from working at polling locations should their conduct be deemed unacceptable.

**Item 8: Poll Book Progress Update – Brad Nelson**

Yavapai County is using electronic poll books. If a voter votes at a polling place, they have to show identification. Voter verification is determined by the bar code on the back of their driver’s license. That voter is asked if they want to vote via touch screen or optical scan. If touch screen, a voter access card is used to insert into the electronic poll book, click a “send” button, and it burns that card to allow the voter to vote via touch screen.

Voters who choose to not vote via optical scan are asked to sign on a signature pad, where a paper print out will dictate which color ballot that voter is to receive. The ballot judge gives the appropriate ballot to that voter.

Brad Nelson is a skeptical advocate of electronic poll books, although he does not endorse them at this time. Electronic poll books are extremely expensive. Jim March expresses dissatisfaction if the data from an electronic poll book cannot be independently checked by party representatives before an election.

Brad Nelson explains that the idea of using a GPS system is being researched as another tool to get voters to the correct polling location. This service would only be available on election day.

Brad Nelson will send Catherine Hanna additional information on election poll books. Catherine will forward that information to the Commission.

Chris Roads explains that the cost factor for the electronic poll books was the most discouraging component for the Recorder’s Office. Each polling place would need two (2) books, at a cost of \$2,000-\$3,000 per unit, with a life expectancy of only six (6) years.

**Item 9: Current Elections Update – Brad Nelson**

Elections for the Town of Marana, City of South Tucson, and Town of Sahuarita will take place in March. Chris Roads sequestered the early ballots from South Tucson due to some troubling allegations. The County Attorney’s Office is investigating the allegations, and updates will be provided once the investigation is complete.

Should anyone wish to observe these elections or have additional questions, they are encouraged to contact the Municipal Clerk’s Office of those institutions.

**Item 10: Secretary of State Legislative Status Update – John Moffatt**

John Moffatt provides an update regarding the Scanned Ballot Election Auditing Pilot Program.

The bill has been assigned a number; HB2304. The bill is still in the House, but moving forward. The next step is the House floor for amendment then on to the Senate. The Secretary

of State's Office will solicit three (3) proposals for auditing pilot programs from companies with ballot scanning capabilities.

John Moffatt encourages the Commission to view the legislative website for updates.

After this bill passes, the Secretary of State is empowered to initiate the pilot program process. Pilot tests will be put into place and the Secretary of State will prepare and publish a report on the pilot program results no later than December 31, 2013.

Donna Branch-Gilby encourages the Commission to contact their local representatives and ask for them to support HB2304.

Pima County has continually taken the position that participation in this pilot program will be at a zero cost. Ways of accomplishing that are being researched.

Commission members have expressed concern regarding the security of the ballot scanning and the ability to identify a specific ballot. The legislation includes text, which states that ballot records will not be available as a public record.

Companies solicited for the pilot program have not been determined. There are a limited number of company's with this capability and not much is in the approval pipeline. The certification process is two (2) years. Company choices can increase or decrease over time. Jim March explains that there are only four (4) approved federal testing labs for voting system components. Of those four, three (3) of them, at one time or another, have been thrown out for poor performance.

Ideas continue to be researched.

**Item 11: Call to the Audience**

Charles Geoffrion calls to the Audience. He receives no response.

**Item 12: Next Meeting Date and Time**

The Commission will meet again on Friday, April 1, 2011, at 9:00 am, Pima County Administration Building, First Floor, Board of Supervisors Conference Room, Tucson, Arizona 85701.

**Item 13: Agenda Items-New Business**

No additional agenda items for discussion were noted.

**Item 14: Adjournment**

Meeting adjourned at 11:58 pm.