

Pima County Election Integrity Commission

<http://www.pima.gov/commission/ElectionIntegrity.shtml>

Minute Summary

The Pima County Election Integrity Commission met in regular session on August 26, 2011, at the Pima County Administration Building, Board of Supervisors Conference Room, 1st Floor, 130 W. Congress, Tucson, Arizona 85701.

Item 1: Roll Call

Present: Mickey Duniho, Jim March, John Moffatt, Pat Pecoraro, Tom Ryan, Barbara Tellman, Arnie Urken, and Benny White. Pat Pecoraro and Benny White arrived late due to City Election duties.

Absent: Charles Geoffrion, Ann-Eve Pedersen, Drew Spencer

Also in attendance: Brad Nelson, Pima County Elections Department; Chris Roads, Pima County Recorder's Office

Item 2: Pledge of Allegiance:

Those in attendance stood for the Pledge of Allegiance.

Item 3: Approval of the June 10, 2011 Minute Summary:

The minute summary was reviewed by the members of the Commission. No changes were noted. Motion taken to accept the minutes. Motion unanimously approved at 10:10 a.m.

Item 4: Poll Worker Evaluation Form – Brad Nelson

Mike Dale, from the Pima County Elections Department, is out of the office. Brad Nelson asks that this item be postponed until the next meeting.

The Pima County Elections Department was asked to combine the current Evaluation form with the proposed evaluation form, created by two (2) former EIC members. The new form will be handed out to the poll workers prior to the Election, so each poll worker can fill out the information.

Brad Nelson will bring a copy of the new form to the next meeting for final review, which gives the Commission plenty of time to make any changes. The next major election is the Presidential Preference Election, although there are numerous jurisdictions (school districts) having elections in November 2011; vast majority being mail-in only ballots. The Marana School District and the Tanque Verde School District will have polling place elections. The form will be used at the District elections, although the sample size won't be as good as the Presidential Preference Election.

Item 5: Secretary of State Election Procedures Manual Process – Brad Nelson & Chris Roads

Secretary of State Bennett created a Committee, inviting representatives from all 15 counties, plus the political parties and various groups with interests in election-related activities. Numerous suggested changes were submitted by the representatives, including those which came in via the website.

Discussions continued as to whether there should be a provision for a “best practices in early voting-related areas.” Each county has been asked to submit their current security and inventory with regard to early voting and the voter database. The Secretary of State will evaluate the inventory as to their use for individual counties.

The red-lined version will be distributed in September, with final input by early October, where it will be forwarded to the DOJ. The final manual has to be in place before the Presidential Preference Election, and it is unknown if the Governor will move the Presidential Preference Election date up to January 31, 2012; decision is to be made by September 2, 2011. If the Governor chooses to move the date, everything will be accelerated to finalize the manual, and have it approved by the Governor, the Attorney General, and submitted to the DOJ before the beginning of 2012. If the Presidential Preference Election is not moved, the final date for completion is February 28, 2012.

Chris Roads does not see any issues which would slow down the progress.

Voting Centers were discussed, but one or two counties are already considering the concept for next year. There are a lot of changes to make voting centers happen, and in order to make it successful, the county should be fairly compact, and most counties in Arizona are large, compared to most states. Yavapai County is pushing the Voting Center concept, but most counties are passing up on the idea, as their communities are too far apart to make the concept successful. Maricopa County is compact, but with such a large population, they have no desire to use the centers.

Jim March inquires about the role of observers within the Procedures Manual, in particular, the use of video cameras in polling places. The issue was taken up at the first meeting, and a sub-committee was created to come to a consensus about the issue. Decisions on the sub-committee were made, a report was generated, and given to the Secretary of State for review. The consensus was to allow the filming, but only as long as it doesn't become a distraction to the polling place.

John Moffatt and Chris Roads agree that the Secretary of State's Manual process proved helpful and gave everyone a chance to review the revisions and provide suggestions. Previous manuals were finalized without much input.

Item 6: Secretary of State Planning Session – John Moffatt

John Moffatt attended the Planning Session in Brad Nelson's place. Chris Roads represented the Pima county Recorder's Office. Pima County was the only County with two (2) representatives allowed. John Moffatt felt this meeting was positive. Merle King was brought in to assist the Secretary of State's Office in facilitating the meeting to help organize election planning.

The idea was to identify what was learned from the last two (2) major elections; what were the major issues, and how to move forward. The redistricting impact, increased voter expectation, aging voting systems, cost containment, and the scrutiny of elections was also discussed.

Media

With all the cutbacks in the newspapers, the media wants election information handed to them. They used to have a reporter with election knowledge, but now the newspapers provide a student or intern to the assignment.

Budget Cuts

Pima County and Maricopa are the only two (2) counties who have not been impacted by budget cuts. Some counties went from 3-4 employees in an elections department, to 2 employees, and they were asked to find ways to make their department more efficient. Some departments don't have a trainer or a budget to make a training video, and the Secretary of State's Office was asked to assist with creating "good practice" ideas to organize counties with limited budget and staffing.

Poll Workers

Poll worker advancing age, finding party balance, loss of polling places, and bilingual poll workers who can handle the poll issues was discussed. Steve Kizer, from Pinal County, made a plea to the Secretary of State's Office to simplify procedures in the manual in regards to poll workers. There are a lot of duties asked of a poll worker and their day can run 15 hours long. No matter how much training is provided, the job is every two (2) years, making it difficult to retain the information.

John Moffatt suggests the Commission work on simplifying the poll worker process, as well, although election law will have to be followed.

The County Administrator in Coconino County used to work in elections, and requires his staff to work polling places every election cycle, as it promotes structure and organization skills.

Yuma County has good retention with youth poll workers, who continue to work in polling places into their 20's. They have found this to be a good recruiting tool for younger poll workers.

Chris Roads explains that there seemed to be a correlation between how much a poll worker was paid and the amount of difficulty they were having recruiting. The minimum amount to pay a poll worker, per statute, is \$30, per day. Pima County pays an Inspector \$185 per day, and the lowest pay for a poll worker is \$140 per day. Pinal County is over \$200 per day. Some counties provide an hourly wage, include meals, and gas reimbursement.

Cost Models

The Secretary of State's Office is working on a state-wide funding model where costs can be determined and reported by all of the counties, as to what the costs are to fund an election. The Secretary of State's Office was receiving bills from elections representatives, who left out areas of reasonable cost, which would have been covered by the State's funding.

John Moffatt suggested the State provide a Standard Chart of Accounts; a cost outline template, which can be used to identify what costs to consider when holding an election. Secretary of State Bennett was interested in the idea.

County representatives expressed their frustration, as the systems in use are dated, and the Elections Assistance Commission (EAC) has not recognized the urgency to address the current issues. Pima County and Maricopa County used the optical scan before any other county, and Secretary Bennett recognizes that 70% of Arizona's voters are using equipment, which is 15 years old.

Difficult Federal regulations were also discussed. Regulations are created, but may only apply to one area. Chris Roads used the U.S. Postal Service as an example, which has numerous regulations, but apply to few, causing additional time for areas that don't apply to proceed with business. If the EAC will not address areas of concern, states will take matters into their own hands. Secretary's of State across the Country are willing to address the issues the Federal Government will not tackle.

Electronics

Several counties are sending Twitter feeds, and posting a Ballot Control Matrix, showing the early ballot count throughout Election Day.

Counties are beginning to worry about who they can turn to for vendor support, should systems go down. Some systems are only certified with Windows 2000 server, and as servers get upgraded, failures begin to happen, and parts become scarce.

Counties spoke of creating a Polling Place Locator Application for iPhones, cutting down on phone calls on Election Day.

Counties spoke of contingency planning and redundancy during elections. A back-up process has to be addressed in the event of retirements, or natural disasters in the area (Wallow Fire and floods). Counties need a plan to get those residents to vote.

John Moffatt felt that the Secretary of State's Office is doing their best to assist. Every County was included and participated in the session.

Secretary of State Bennett advised that there will be attempts, through legislation, to repeal the Permanent Early Voting List in its entirety. There is support behind it, as those who support the bill claim that there is fraud in early voting.

One of the bills that passed during the last session required anyone bringing in more than 10 ballots to a polling place had to show ID, and forms had to be filled out. The Justice Department asked a series of questions to that provision, and the Attorney General decided against resubmitting the provision, so that portion of the law will not go into effect.

Chris Roads created the Early Voting Best Practices, which is designed for other counties to defend what they do in the course of early voting. Secretary Bennett reviewed the Best Practices document from Chris Roads before the meeting, and it was used during the meeting as a reference.

Item 8: Precinct Drawing – Redistricting – Brad Nelson

Pima County redistricting is strictly within the County. There is no interaction between the State redistricting and County redistricting. Once the State finishes their redistricting, all other Counties Board of Supervisor/JP lines will adhere to their precincts.

The Board of Supervisors will review preliminary County changes to Board of Supervisor district lines and precinct lines, but all is tentative until the State RAC is finished.

Brad Nelson explains that the RAC has two (2) options for Congressional District lines, and two (2) options for State Legislative District lines. The County GIS Department was asked to weigh those options on the proposals for the future.

Brad Nelson explains that if two (2) adjacent precincts, in the same jurisdiction, have a sufficient number of persons on the permanent early voting list, and there is a polling place that is conveniently acceptable to those populations, they become subject to consolidation. Pima County had 417 election precincts in the 2008 election cycle, and is now proposing that the County reduce that to 266 precincts for the 2012 election cycle.

Brad Nelson has stressed to the Redistricting Committee (County level) that precinct consolidation will save a substantial amount of money, as less poll workers will be required; and less machine preparation and transport will be needed. The financial aspect was a concern, but it was not a key component. Disenfranchising voters was the main component.

The Elections Department drew the legal descriptions of the new proposed precincts, which is forwarded to the Recorder's Office. The Recorder's Office uses the proposed document, in part, to draw the new precinct lines and populate appropriately with the registered voters. If the new Congressional or Legislative District line doesn't follow an existing precinct line, then the Election's Department will go out to the field with maps and GPS to re-plot new district lines.

Once redistricting is complete, the Recorder's Office will begin a mass-mailing of new voter ID cards to all voters.

Benny White explains that he had several areas of concern in regards to reprecincting, in particular, to consolidated precincts that overlapped major roads or highways. Isabel Estrada, of the Elections Department, was very helpful in identifying reasons for consolidating where she did; one being that the County is losing access to polling places. Benny White wanted to make sure that the County precincts and the City limits were coincident to the maximum extent, but that was determined to be only a short term solution as the City annexes by parcels, and the County precincts by geographical infrastructure. If the City annexes an area, reprecincting would have to be done, again. He praises Ms. Estrada for her hard work.

Barbara Tellman inquired about changes to the elected representatives in a precinct. Brad Nelson explains that precinct committee representatives will remain in effect until precinct elections take place.

Item 7: Voter Purging – Arnie Urken & Chris Roads

Arnie Urken expressed concerns in voter purging, despite there being statute which requires purging to occur.

Chris Roads explains that voter purging can occur under one circumstance: when the U.S. Postal Service informs the Recorder's Office by returning mail or through their database that states the voter has moved. The Recorder's Office makes two (2) attempts to contact the voter. If the voter ignores the Recorder's Office, the voter will be sent to "inactive" status, carrying them on that status through the next two (2) Federal Election cycles. If there is no update during that period of time, the Recorder's Office can cancel the voter's registration.

The last purging was December 2010, with 15,915 voters purged. As of August 22nd, the Recorder's Office has 86,773 voters on inactive status. The Recorder's Office tests addresses every month, subscribing to the Postal Service database, running 1/5 of Pima County through it every month.

The Recorder's Office mails three (3) different letters, depending on what the Postal Service has told them. If the voter gave a forwarding address, and it's in Pima County, the letter includes a voter registration form for updating. If the voter moved outside Pima County, the Recorder's Office will send a letter, asking that the voter cancel their registration. If there is no forwarding address from the Postal Service, the voter is sent a post card, so if the voter submitted their change of address, the post card will return to the Recorder's Office with a forwarding address. Thirty-five days after that, the voter will be enrolled as "inactive."

Voters tend to take themselves off the inactive status during a Presidential Election.

Voters who have died are cancelled once the Recorder's Office receives a death certificate from the family. The Department of Health Services provides data for every death in Pima County; they provide a copy to the Secretary of State, who matches it to the State's system, and forwards the report to the Recorder's Office.

Additionally, the Recorder's Office reviews local obituaries in all newspapers in Pima County, they review news articles from a death, and the information provided must be verified, as it isn't always accurate. Death notification letters from the family are received, and the Recorder's Office will send a signature update letter to be completed and returned.

The Legislature's view is that there are thousands of non-citizens in the voter registration database, even though the State-wide voter registration database matches motor vehicle and social security at about 95-96%. The remainder are very young or very old, no longer in the driver's license database systems. Urban legend is tough to defeat, and the State is spending thousands of dollars to tackle this problem, with little results.

Benny White explains that disenfranchising voters is always a concern, and everyone bends backwards to keep that from happening. But the burden for a voter to become active is extremely low; you can register online, you can submit a request for a ballot, etc. There is a cost associated to maintain those on the inactive status database. Pima County far exceeds other counties when it comes to maintaining accurate databases for their voters. Some smaller counties have budget problems, not enough IT staff, or feel their current out-dated system works just fine.

Item 9: 2011 Election Update – Brad Nelson

School district elections will take place November 2011. Marana and Tanque Verde District will have polling place elections, asking budget questions. Sunnyside, Vail, Flowing Wells, and Continental Elementary School Districts will conduct elections by mail, only. All are budget questions, and Sunnyside has a governing board election, as well.

The City has advised that the Sunnyside District will not consolidate with Tucson.

The Districts chose mail-only ballots because they did not want their voters required to go to a polling place for their question, when the City question was being delivered to them. Each jurisdiction has voters, outside the City, who will get one ballot. Jurisdictions will mail their ballots on different dates; City mails after the School Districts.

The City and County are using the same vendor, so the affidavit will look the same, but the return envelopes will be different; County uses the yellow return envelope, the City uses the white return envelope. The County will conduct the City's signature verification, so ballots from both jurisdictions can be accepted. Ballots sent to the wrong jurisdiction will be handed off to the correct jurisdiction.

Replacement ballot sites will not be consolidated; the City's sites will not be in any other Districts. A City voter can drop off their ballot at any of the replacement ballot sites, and a school district voter can drop off at any City site, but a voter cannot OBTAIN a second ballot at those locations.

Brad Nelson will recommend accuracy certification teams be out on Election night.

Item 10: Ballot Scanning Pilot Study Draft Letter – Tom Ryan

Tom Ryan refers the Commission to the Draft Ballot Scanning Pilot Program Letter, and seeks comments on its content.

Suggestions from the last meeting were to shorten the letter, making it to-the-point and more compact. Tom Ryan kept in some information he felt the Commission should comment about; elections suitable for the study, and what constitutes a useful study.

Benny White explains that at the first Procedure Manual meeting, the ballot scanning statute was addressed and he tried to obtain the definition of the term, "local election." A local election does not involve a federal or state candidate; therefore, the study cannot be used during the Presidential Preference Election and the 2012 Primary and General Election, although it may allow for the May 2012 Elections.

Tom Ryan explains that the Secretary of State wants to hear from the Counties on what they want to do in regards to the Pilot Study, and it will be considered. He adds that if the Board of Supervisors have reservations over the study, the Commission will deal with the restrictions, but doing nothing shouldn't be an option.

John Moffatt explains that the Board of Supervisors will not act on the letter until it is reviewed by the County Attorney. If the letter receives positive review of the County Attorney and is forwarded to the Board, and approved by the Board of Supervisors; it will then be sent to the Secretary of State's Office who is charged with writing the specification for the pilot study. The letter will have to go to the County Attorney for a formal review. If the County Attorney wants changes to the document, the Commission will have to review the letter again. If the County Attorney has reservations about the second paragraph in the final version, John Moffatt will ask that they contact the Secretary of State's Office to discuss.

Mickey Duniho prefers that the final version be forwarded to the Secretary of State's Office, even if the second paragraph is taken out. Tom Ryan wants the Board of Supervisors to specify what the final version of the letter states, not the County Attorney's Office. John Moffatt cautions that the Secretary of State's Office has numerous issues going on in their office; the Pilot Study letter is not a priority. Tom Ryan explains that once the Secretary of State's Office receives the letter of interest, it's up to them (SOS) to contact Pima County, as they are the contractors.

Tom Ryan calls for a vote to remove the "draft" designation from the letter and forward it to the Board of Supervisors. John Moffatt suggests that if the County Attorney wants to make substantial scope changes, the Commission should review those changes.

The Commission will make a motion, and John Moffatt will create a memorandum from the County Administrator to the Board of Supervisors, stating that the EIC has made this recommendation. The County Administrator is out for two (2) weeks, so John Moffatt will forward the memorandum to the County Attorney, seeking a formal opinion on the letter before the Board votes on it.

Benny White opposes the resolution, as he doesn't see this study to be a benefit to Pima County or its taxpayers. Developing new elections systems shouldn't be the role of the Elections Department.

Additionally, he's concerned about the election record. The County is required by Federal and State law to retain ballots in secure storage for two (2) years involving a Federal candidate, and six (6) months involving other elections. If we're required to keep those records, there must be some anticipation to pull those ballots out and review them. There's a risk of damaging or even losing the ballots if this study is conducted.

There also runs a risk of finding discrepancies from a previous election, and there is no plan to rectify those results. The one's conducting the test would like to know whether their machines are operating effectively, so there would have to be a comparison between the two (2) sources, which would require resources from the County Elections Department, and political party oversight to review the documentation.

Arnie Urken appreciates Benny White's assessment, but adds that there would be risks without taking action and conducting the study. Barbara Tellman agrees, stating that the County is simply making a general statement of interest and not committing ourselves long term.

Tom Ryan sees a cost savings if conducting the study proves successful. There are resources expended to count ballots on a small audit. The process is tedious and this study circumvents it.

John Moffatt refers to the last sentence in the draft letter, "*Once the Statement of Work is completed, the Board of Supervisors will review and evaluate our participation in the execution of the plan.*" John Moffatt expects that the Board will delegate the Commission to review and evaluate Pima County's participation in the execution of the plan once the Statement of Work is completed.

Motion:

Tom Ryan makes a motion to accept the model letter, remove the "draft" designation, and forward the letter to the County Attorney's Office for content evaluation. Should any changes occur, the letter will return to Tom Ryan or the EIC for additional review. Once the revisions are accepted, the letter will be forwarded to the Board of Supervisors for approval.

Vote:

Six (6) members vote to approve the motion; one (1) member opposes. Motion carries.

Item will remain on the agenda until it's resolved.

Item 11: Call to the Audience

Tom Ryan calls to the Audience. No response is noted.

Item 12: Next Meeting Date and Time

The Commission will meet again on Friday, September 16, 2011, at 9:00 am, Pima County Administration Building, First Floor, Board of Supervisors Conference Room, 130 W. Congress, Tucson, Arizona 85701.

Item 13: Agenda Items-New Business

Barbara Tellman would like an agenda item to continue discussion on the EIC's By-Laws.

Item 14: Adjournment

Meeting adjourned at 11:42 a.m.