

Pima County Election Integrity Commission

Minute Summary

The Pima County Election Integrity Commission met in regular session on January 21, 2011 at the Bank of America Building, 14th 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, Charles Geoffrion, John Moffatt, Pat Pecoraro, Drew Spencer, Arnie Urken, and Benny White

Absent: Mickey Duniho, Jim March, and Tom Ryan

Item 2: Pledge of Allegiance:

Those in attendance stood for the Pledge of Allegiance

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

Item 3: Introduction of New Member

Andrew (Drew) Spencer was introduced to the Commission, representing the Green Party, replacing Mary DeCamp.

Item 4: Approval of the December 10, 2010 Minute Summary:

The minute summary was reviewed by the members of the Commission. No changes were noted. Motion approved 6-0.

Item 5: Poll Worker Evaluation Form – Donna Branch-Gilby

Due to illness over the holidays, Donna Branch-Gilby had no additional information on this item. Item will carry over to the next meeting agenda.

Item 6: Security of Our Elections-Follow-up on Laser Printers – Jim March (absent)

Jim March was unable to attend this meeting due to illness.

Item 7: Bylaws for Election Integrity Commission- Jim March-cont'd

Jim March was unable to attend this meeting due to illness.

Item 8: **Provisional Ballot Discussion**

Benny White presented the 2010 General Audit spreadsheet for Commission members to view. Benny White addressed specific concerns regarding incorrect ballot counts, although he expressed improvement in ballot counts during the 2010 election. Due to handling errors, ballots were found to be stuck together so more than one was handed out to voters at the Precincts. Some ballots were not counted after going through the AccuVote machine and stopping on an error; probably due to the length of the ballot and poll workers not noticing the ballot needed attention. During the election recount, 54 ballots were found, which weren't counted in the original election count; most were from the emergency ballot drawer.

Brad Nelson agrees that the ballot inventory from the vendor needs improvement, and poll worker reports on incorrect ballot inventory, has decreased. Poll workers are cognizant of the problem and look to correct it.

Poll workers reported missing ballots, but their documentation was not addressed. Benny White suggests that once a ballot report shows a discrepancy, it should be flagged until the discrepancy is addressed.

Provisional ballot count discrepancies between the County Elections Office and the Recorder's Office were noted, which may be due to each department's processing differences. Discrepancies are recorded in the Precinct ballot report. County Elections provides a provisional ballot count, from the polls, to the Recorder's Office. There is no current documentation of the number of provisional and conditional provisional ballot affidavit envelopes which were not verified and which also contained no ballot. Benny White conducted an audit shown in his spreadsheet.

**Charles Geoffrion introduces Catherine Hanna to the Commission.

Item 9: **Recorder's Report on Poll Worker Errors – Benny White**

Benny White requested a provisional ballot report from the Recorder's Office, and created his own 2010 General Audit Spreadsheet. Benny White sent it back to Chris Roads for an internal review with F. Ann Rodriguez. F. Ann Rodriguez generated a memorandum, suggesting that government employees be used in the polling places.

Benny White expressed concern, as he felt that government workers were being perceived as more responsible, more accountable, and better educated than non-government workers. F. Ann Rodriguez (via telephone to Benny White) explained that her intention was to add people who may have a more responsible attitude to accomplish the work which needs to be done. Benny White views poll workers as a citizen activity, and feels that using government workers will develop the idea that the government may influence the outcome of the elections. Benny White is not convinced that current poll workers are receiving an adequate amount of training from the County Elections Office, and recommends more training.

County Elections provided classes, which emphasized duties of clerks and marshals, separate from the duties of judges and inspectors. During the Spring 2008 election cycle, County Elections provided a six-day training academy for poll workers. At the end of the academy, there was a quiz and an evaluation sheet to rate the academy experience. County Elections received positive reviews, and continued the academies, weekly, educating approximately 1,000 poll workers. Once the 2010 Primary and General Election arrived, County Elections found no improvement of poll worker activity, as a result of these academies. Online videos are also available for poll workers to refresh their training.

Brad Nelson feels the confusion occurs between the Primary and General election cycles. Primary elections distribute color striped ballots to specific parties, and the General election ballots do not have a party affiliation, but colored stripes are used to designate special type ballots within a Precinct, so the poll workers need to pay attention to the colors for a different reason. Poll worker errors have lessened, and Brad Nelson remains open to ideas on how to keep discrepancies down.

Chris Roads believes that it's not the educational component which separates the government employee from the average citizen, it's the experience component. Every government worker understands what their job duty is and what their jurisdictional limitations are. The Board of Supervisors will have to give the authority to use County employees in polling places. The Records Office has been denied in the past, but other counties have used government employees in polling places, since that time, which has proven successful.

Benny White agrees with moving forward with placing government employees in the polling locations. He has asked Chris Roads for a memorandum, which outlines 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.

Before a presentation can be made to the Board of Supervisors, implementation costs and cost savings will have to be determined. The Commission would collect the necessary information, and include the data in the presentation. John Moffatt encourages the Commission to read Mr. Huckelberry's report regarding the electronic poll books, as the idea should be pursued as another way to address many of the errors just discussed. Electronic Poll Books will be placed on February's meeting agenda for further discussion.

Brad Nelson reminds the Commission that questions and comments to the Recorder's Office and the Elections Department are welcomed and encouraged.

Brad Nelson distributes a "test" provisional ballot for the Commission to view. The ballot has a missing timing mark on the back, which will keep it from being counted in a scanner at the polling location. The ballot can only be read if the timing mark is filled in.

Item 10: Election Board Political Party Balance – Benny White

Benny White expressed concern that there were no Republican poll workers in some precincts, and feels they were shut out as poll workers. Brad Nelson reassured that the lack of Republican poll workers was not intentional. Poll workers call in sick and their replacement may be affiliated with another party.

Inspectors, Judges, and the Marshal are expected to be bipartisan. The Clerks can be affiliated with any political party, including independents. Using bipartisan poll workers during each election is the goal of the Elections Department.

Item 11: Ballots Discovered During Proposition 112 Recount – Benny White

Fifty-four (54) ballots were found unaccounted for during the Prop 112 recount. The Elections Department usually conducts a precinct by precinct audit after the hand count audit is complete, but twenty (20) of the 54 ballots were not accounted for.

This process will change for the next election. After each polling location has tabulated their votes, the Elections Department will collect the number of each location, and compare that number to the number of names on the poll list, which will show errors immediately.

Item 12: Overseas Ballots – Tom Ryan (absent)

Mr. Ryan is absent and this item will be continued at the next meeting.

Item 13: Ballot Scanning Legislation – Tom Ryan (absent)

Mr. Ryan is absent and this item will be discussed under Item 14.

Item 14: Secretary of State Legislative Status Update

John Moffatt refers the Commission to the legislative handout regarding Scanned Ballot Election Auditing Pilot Program.

The Secretary of State's Office has proposed legislation *to audit and analyze ballot scanning and tabulating equipment for the purpose of investigating or developing post-election audit systems for use of a broad, election-wide basis*. After the ballots are turned over to the County Treasurer, they will be released to the Secretary of State, who may seek additional support from the County Board of Supervisors to complete their audit.

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

The Secretary of State will prepare and publish a report on the pilot program results no later than December 31, 2013.

The Commission expresses their gratitude for the Secretary of State's Office support. The next step is to see who will support this bill. Once the bill is given a number, a hearing will be scheduled and the Commission can publically support the bill.

Chris Roads explains that there are several provisions and amendments within the bill. One provision seeks to allow minor parties to retain their recognized status for a four (4) year cycle, rather than a two (2) year cycle. Conducting this petition validation every two (2) years has become costly for the County, and there is no reimbursement. Another provision is in regards to the initiative validation process. Current law indicates that there is a random check of signatures on an initiative petition. If 105% of the minimum signatures needed, the proposition is on the ballot; below 95%, it's off the ballot; in-between 105% and 95%, a full check is required. Proposition 112 would have taken the initiative filing deadline and moved it to May, so the Recorder's Office can conduct a full check petition. Under the current procedures, the petitions filed in July receive a full check in August, which is in the middle of the primary election cycle. This proves very difficult for a full check to be successful.

The Secretary of State's proposal will state that if the minimum signatures is 100% or more, the proposition is on the ballot; below 100%, the proposition is off the ballot. No full checks are needed.

Brad Nelson cautions that if the proposed legislation is passed, it expands the hand count audits to the county-wide and state-wide elections. Additionally, the proposed legislation includes the ability for previous campaign finance violators to be removed from the ballot. He has asked for the Secretary of State to confirm this language.

Item 15: Registered Voter Purge Process – Recorder’s Office

Purging is the term used to cancel people who have been on “inactive status” for a length of time without taking themselves off “inactive status.” A vote can only be removed from “inactive status” if they show up and vote, request an early ballot, or by submitting a vote registration form. The Recorder’s Office looks for anyone on an “inactive status” on or before July 1, 2008 (two years before current Primary Election). If they were on an “inactive status” prior to that date, and did not vote, request an early ballot, or submit a voter registration card, the voter was cancelled. Voters are deemed “inactive” via mail, through a vendor who provides the Recorder’s Office with the National Change of Address database information.

The County is divided into five (5) districts and each month, a different district is selected where every voter in that district is run through the National Change of Address database. The letter states that if the voter has moved, he/she needs to change his/her address or update the voter registration. If the voter does not update, he/she will be listed as “inactive status.” The voter has 35 days from the mailing date to respond to that letter.

If addresses are forwarded and within Pima County, a letter will be sent to the voter with a voter registration form, and additional information on how to register online. If the Post Office gives no forwarding address, the Recorder’s Office sends a post card to the only known address of that voter, requesting that they update their address.

The Recorder’s Office purged 15,000+, and rolled 76,000+ as “inactive.” If someone has died, an official letter with the death certificate or an estate document is needed to delete that voter. News records are used by the Recorder’s Office to delete voters, although records are verified.

Item 16: Selection of Early Ballot Audit Batches – Brad Nelson

During the recount of Proposition 112, Ben Love, an observer of the County process for 112, didn’t feel that Pima County was auditing the ballot batches correctly. Although he can’t speak for Mr. Love, Brad Nelson stated that a batch is not the political party observers within the County defining what a batch is. A batch of ballots is a stack of ballots that is turned over to the Recorder’s Office. During a recount, batches don’t always match the same number of ballots included in the batch to the Recorder’s Office.

Item 17: Ballot Duplication Cost and Causal Analysis – Brad Nelson

Brad Nelson handed out a copy of a large ballot and a handout detailing the duplication of ballots from the 2010 General Election.

Brad Nelson provided an overview of the duplication of ballots handout to the Commission. No questions were noted.

Item 18: Ballot Recount – Brad Nelson

This topic has been discussed in previous Items listed above.

Item 19: Commission Website – Benny White

Benny White requested that the EIC summaries and agendas be placed on the EIC website from now on. Catherine Hanna is working with her webmaster to begin posting 2010 EIC summaries. Currently, the EIC audio is posted on the EIC website. The next EIC meeting date, and EIC contact list will be posted, as well.

Item 20: Call to the Audience

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

Item 21: Next Meeting Date and Time

The Commission will meet again on February 25, 2011, at 9:00 am, Pima County Office of Emergency Management, Emergency Operations Center Conference Room, 33 N. Stone Ave., 14th Floor, Suite 1490, Tucson, Arizona 85701.

Item 22: Agenda Items-New Business

No additional agenda items for discussion were noted.

Item 23: Adjournment

Meeting adjourned at 12:15 pm.