

## **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 December 2, 2011, at the Pima County Administration Building, Board of Supervisors Conference Room, 1<sup>st</sup> Floor, 130 W. Congress, Tucson, Arizona 85701.

#### **Item 1: Roll Call**

**Present:** Charles Geoffrion, Mickey Duniho, John Moffatt, Pat Pecoraro, Barbara Tellman, and Benny White.

**Absent:** Jim March, Ann-Eve Pedersen, Tom Ryan, Drew Spencer, Arnie Urken

Also in attendance: Brad Nelson, Pima County Elections Department; Mike Dale, Pima County Elections Department

#### **Item 2: Pledge of Allegiance:**

Those in attendance stood for the Pledge of Allegiance.

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

No quorum available to approve the minute summary. No comments noted.

#### **Item 4: Secretary of State Election Procedures Manual Process – Brad Nelson**

The Governor and Attorney General signed off on the Procedures Manual, and on November 29<sup>th</sup>, the manual was forwarded to the United States Justice Department with pre-clearance. Brad Nelson has links to what the new manual will look like (links below).

A copy demonstrating the changes throughout the document may be found on the following link:  
[http://azsos.gov/election/procmanual/2011\\_Election\\_Procedures\\_Manual\\_TrackChanges.pdf](http://azsos.gov/election/procmanual/2011_Election_Procedures_Manual_TrackChanges.pdf)

A spreadsheet of the changes may be found on the following link:  
[http://azsos.gov/election/procmanual/Spreadsheet\\_of\\_Changes.xlsx](http://azsos.gov/election/procmanual/Spreadsheet_of_Changes.xlsx)

A clean copy may be found on the following link:  
[http://azsos.gov/election/procmanual/2011\\_Election\\_Procedures\\_Manual\\_Clean.pdf](http://azsos.gov/election/procmanual/2011_Election_Procedures_Manual_Clean.pdf)

The Justice Department has 60 days to decide if the manual is accepted or not. Most changes were particular to voter registration.

Benny White explained that the major focus of the Secretary of State's Office was to address the statutory change requirements, which came out of the last Legislature, as those had to be done, and they were ultimately accomplished. However, many other concepts promoted by others were not incorporated.

**Item 5:           2012 Election Update – Brad Nelson**

February 28, 2012 will be the Presidential Preference Election throughout Arizona, for the Republican and Green party candidates only. By statute, no other elections may appear on that ballot. The deadline to register to vote in this election is January 30, 2012.

**Item 6:           Redistricting Progress Report**

The IRC has not approved a final ratifying map. Pima County has already completed the Board of Supervisor district lines and is in the process of getting election precincts and consolidations approved by December 6<sup>th</sup>. The Justice of the Peace precincts are not changing. All precincts are subject to change once the IRC maps are approved.

It was reported that there were 99 hot spots recorded in the adopted maps. Brad Nelson clarified that the Elections Department had an objection for the proposed state legislative boundary near Massingale and I-10, where the legislative district line is drawn along the freeway, matching a congressional district line, goes half a mile down Massingale, up 200 ft and back to the original boundary. This was brought to the attention of the IRC several weeks ago.

Benny believes this issue may have been forgotten and asks Brad to refresh the issue. Brad explains that his department reviewed the adopted maps up for comment, and noticed only the one (1) issue.

**Item 7:           Ballot Scanning Pilot Study – Tom Ryan (not present)**

Tom Ryan is not present and no Commission members have additional information to present on his behalf. No word from the Secretary of States Office.

**Item 8:           By-Laws for the Election Integrity Commission – Barbara Tellman & Charles Geoffrion**

The By-Laws were accepted on the October 21<sup>st</sup> EIC meeting. Since that time, Catherine Hanna has posted them on the EIC website and changed the EIC Purpose language on the website to reflect the same language on the by-laws.

**Item 9:           EIC Annual Report Template – John Moffatt & Catherine Hanna**

The Commission reviews copies of the Annual Report template. General Topics were identified and discussed. Charles Geoffrion will contribute material for the Annual Report, along with John Moffatt and Catherine Hanna. A publication will be provided before the end of the calendar year. Catherine will send an electronic copy out for comment to the Commission before final distribution.

**Item 10:          System Specifications for Voting Systems – Arnie Urken (not present)**

Arnie Urken wanted to revisit this topic, as the state of the marketplace has changed, and the resulting EIC impact on the voting specifications and systems used by the State. Mr. Urken is not present, so this item will be continued until the next meeting.

**Item 11: All-Mail Ballot Election Recommendation – Chris Roads**

The Recorder's Office completed an election cycle where some school districts opted for an all-mail format, which gave insight into the differences between polling place elections and all-mail elections.

In the Spring, the County Superintendent's Office notified the Recorder's Office with the idea that several school districts were contemplating November elections and they wanted an estimate of what the election costs would be to see whether they could afford them.

In February, Chris made presentations to the school district finance departments in Pima County. Once the finance officers were on board, Chris made a presentation for the schools superintendents, identifying the costs associated with the elections.

As part of the analysis, there was a point where the overall cost of an election begins to decrease when conducting an all-mail ballot election. Polling place elections are conducted by elections staff/polling place staff for one voter at a time. An all-mail election allows the Elections Department to hire a vendor who can assemble 6,000 ballots in an hour on a machine with three (3) people. The labor cost significant decreases when items are mass-mailed and ballot assembly is quicker.

The "break-even" point is when the jurisdiction has 49.5% of its voters on the Permanent Early Voting List (PEVL). When a jurisdiction hits 50%, they begin to save money when conducting an all-mail election. Chris took the jurisdictions with 50% PEVL and put together estimates of cost savings.

Chris went through his presentation with the Commission, by school district (see attached results for additional information): **Marana School District and Tanque Verde School District** conducted elections at the polls.

Several school districts conducted elections at the same time the City of Tucson had their own election. Chris looked at the school districts who were contemplating elections within a similar timeframe as the City: **Vail School District, Continental School District, Sunnyside School District and Flowing Wells School District** conducted all-mail ballot elections.

As soon as the City chose to conduct an all-mail election, portions of the voters were going to receive City of Tucson ballots, automatically, but unless they were on the PEVL, they were not going to get a ballot unless they requested it for the school district election. Once Chris made presentations to the Sunnyside and Flowing Wells School Boards, it was determined that having less than 49.5% of voters on the PEVL would increase costs to conducting an all-mail election; however, an all-mail election would eliminate confusion for voters who were included in the overlap election with the City (see attached results for additional information).

Chris gave another factor to consider, which included the increase in voter turn out during an all-mail election. When all-mail elections began, the Recorder's Office saw significant increases in both the Town of Oro Valley and the Town of Sahuarita. The standard polling place election turn out is around 25%-30%; an all-mail ballot election recorded a 40% turn out. Sahuarita's polling place elections recorded a low 20% turn out rate and jumped to the low 30% with an all-mail election.

Sunnyside School District - the last complete stand-alone election was May 2007, and saw a 3% turn out, paying the full cost for an all polling place election. This was also before the PEVL went into effect. Both Flowing Wells and Sunnyside School Districts approved the all-mail ballot

election, but Sunnyside insisted on six (6) replacement ballot sites. Chris cautioned them on the increase of election costs, but Sunnyside still insisted.

Continental School District and Vail School District opted for all-mail elections.

The Recorder's Office was not aware that the Marana School District was interested in an election until the election was called. When the Vail School District was called, it was noted that although they had over 50% of voters on the PEVL list, the estimates showed an increase in cost for an all-mail election.

It was determined that the Superintendent's Office had calculated their estimate based on the number of polling places in the last stand-alone elections for both jurisdictions. The end result was that the districts didn't take growth into consideration. Vail had 30,000 voters, but only five (5) polling places; 6,000 voters per site.

### **Voter Turn Out**

The Recorder's Office reviewed the Division of Elections website, and compared the yes/no votes on the school district financing between early voters and polling place voters. The PEVL tends to contain older, more conservative voters, while the polling place voter tends to be anyone. The PEVL voters are most likely to participate, with Amphi School District seeing slightly more "no" votes. The polling place vote was more "yes." The Recorder's Office determined that sending ballots by mail encouraged more yes and no vote counts.

The Recorder's Office was most concerned with the Continental School District, as they had to encourage more of the fixed-income retiree's to participate in an election by giving them the ballot up front. The school board recognized that even if they conducted a stand-alone polling place election, they estimated that the "no's" are 52%-48%.

Flowing Wells last stand-alone election (before PEVL) saw a 5.5% turn out; March 2009 (after PEVL) saw a 21.1% turn out. The all-mail election in November saw a 31.1% turn out.

Vail School District saw a 14.9% turn out before PEVL; and saw a 29.4% with PEVL. Their all-mail election in November saw a 48.8%.

Continental School District did not hold a stand-alone PEVL election. Their election before PEVL saw a 17.8% turn out, where an all-mail election in November saw a 58.5% turn out rate.

Sunnyside School District saw a 3% turn out in 2007; an all-mail election in November saw a 23.1%.

Tanque Verde School District (chose to stay polling place) saw a pre-PEVL election turn out at 22.5% and 11.9%. After PEVL, their turn out has increased to 38.9% and 37%.

Marana School District (chose to stay polling place) saw a pre-PEVL election turn out at 10.1%. After PEVL was introduced, their turn out has increased to 23.8% and 29.2%. (See attached handout for additional information).

Cost estimates from March 2011 were within a thousand or two from the actual costs from the Recorder's Office. The only bill that exceeded estimates was from Continental School District; the Recorder's Office predicted a 40%, when Continental saw a 58.5% turn out rate, increasing the costs. Sunnyside School District saw 23% turn out, which decreased the overall costs.

The Town of Marana saw 13.05% of votes cast in the polling locations and approximately 87% of voters casting their ballots early. Tanque Verde saw 16% of their voters go to the polls, and 84% casting early ballots.

### **Cost of District per Vote Cast to the Recorder's Office**

Continental - \$4.85 per vote cast

Vail - \$5.60 per vote cast

Flowing Wells - \$7.91 per vote cast

Sunnyside - \$11.84 (due to the 5 added sites and low turn out)

### **Cost of District per Early Vote Cast to the Recorder's Office**

Marana - \$7.17 per vote cast

Tanque Verde - \$6.07 per vote cast

The Recorder's Office made recommendations that all school districts with a 50% or above turn out rate save the money and go with an all-mail election. Voters on the PEVL list are more likely to vote than those who are not on the PEVL list. And more people who vote early will choose to be placed on the PEVL.

Pima County is not permitted to hold an all ballot-by-mail election until now. The last legislative session included a provision which stated that all-mail ballot elections can take place as long as there is no "candidate" on the ballot.

The Recorder's Office has noted one (1) incident with the USPS during an all-mail ballot election, which took place in the Spring of 2011. The Recorder's Office received a call from a Town of Sahuarita council candidate who attended a block party (all-mail) where an entire block of neighbors stated that they had not received their ballots. The candidate notified the Town Clerk and she notified the Recorder's Office.

The Recorder's Office reviewed their data and noted a discrepancy. The post office does not count mail from the Recorder's Office, they weigh it. A weight difference was determined and missing ballots were verified. The Recorder's Office created a spreadsheet of every voter in Sahuarita, identifying postal letter carrying routes, and found that a section of the town had NOT returned their ballots. It was determined that a tray (approximately 500 pieces of mail) of ballots, from the USPS had been lost. Replacement ballots were sent out while the Recorder's Office attempted to locate the missing ballots. No original ballots were found, but the problem was identified, the area of town was located, and replacement ballots were sent out. Turn out for that neighborhood was the same as every other precinct, so those who wanted to vote, did.

The Republican party supports PEVL and has put a lot of effort into promoting it. Democrats tend not to be on the PEVL.

### **Future Mail Delivery**

USPS wants to end Saturday mail delivery. Chris Roads explains that USPS is considering the closure of the CherryBelle Postal Service location, forcing all mail from Tucson into Phoenix, adding another day or two to mail delivery time. Studies and analysis is pending, and decisions won't be made until January or February 2012. If deliveries and location closings occur, it would take effect in 2013.

## **Ballot Sorting**

Mickey Duniho expresses an interest in sorting ballots by precinct for the hand count audit. Oregon currently scans by precinct and sorts ballots by precinct ahead of time. Pima County does not sort ballots and the Recorder's Office does not feel sorting the ballots is necessary. Pima County and State law does not require ballots to be counted by precinct.

Current legislation will not allow Pima County to conduct an all-mail election with candidates. It's been six (6) years since the last all-mail initiative, which lost 70%-30%, yet more than half of the votes cast were cast by mail. The Presidential Preference election will partially be conducted by mail, as State law says that any precinct with less than 300 voters can be conducted entirely by mail. (Update: The partial mail election was rejected by the Board of Supervisors on December 22, 2011).

When the Commission discussed the need for sorting and scanning equipment to improve processing, Brad Nelson explains that there is no equipment available for purchase that is better than the County's current equipment. The Elections Department has \$1.6M in HAVA funding to help purchase new equipment, but additional funding would have to be located.

The Commission is asked to review and edit Benny's *All-Mail Ballot Election Proposal (DRAFT)* letter, which will be discussed at the January meeting.

Chris Roads will send Catherine Hanna his notes to distribute.

*Materials provided: Pima County Recorder's Office School Superintendent's Meeting, dated March 16, 2011; Pima County Recorder's Office Summary of Charges for Marana Unified School District, and the Vail School District; All-Mail Ballot Election Proposal Letter (DRAFT), written by Benny White.*

### **Item 12: Election Legislation**

The County is finalizing their legislative agenda for submission. If the Commission wants to submit ideas/initiatives for the process, they are encouraged to do so by the January 2012 EIC meeting. There is legislation being discussed to remove PEVL.

Benny White will review his statute list and forward them to Catherine Hanna for Commission review. Several statutes are obsolete and need to be removed.

Barbara Tellman feels that two (2) threatening forms of possible legislation include making it more difficult to register and stricter identification requirements. Barbara would like to be informed of this legislation.

### **Item 13: Call to the Audience**

Audience member, Frank Tiller, was referred to the Commission meeting by the Governor's staff, as he expressed concern about voter fraud in the State. Mr. Tiller wants to join a watch group for voter fraud, but can't find one. Benny White volunteered to speak to Mr. Tiller after the meeting.

**Item 14:      Next Meeting Date and Time**

The Commission will meet again on Friday, January 20, 2012, at 9:00 am, Pima County Administration Building, 6th Floor, Finance Training Room, 130 W. Congress, Tucson, Arizona 85701.

**Item 15:      Agenda Items-New Business**

No new agenda items were noted. Per request, Catherine Hanna will send the EIC attendance roster to the Commission for review.

**Item 16:      Adjournment**

Barbara Tellman motions to adjourn the meeting; Pat Pecoraro seconds the motion. Meeting adjourned at 11:55 a.m.

DRAFT