

MARICOPA COUNTY ELECTIONS WORK GROUP REPORT

May 20, 2019

INTRODUCTION

On January 16, 2019, with the support of the County Recorder, the Maricopa County Board of Supervisors unanimously approved directing the County Manager to form a work group to gather and compile information necessary to prepare a set of recommendations regarding the structure, staffing and technology resources of the Elections Department. In a press release on the same date, “Today’s vote comes after many months of discussion about how the Maricopa County Elections Department can best serve the voters of our community,” said Recorder Adrian Fontes. “In conjunction with the Board of Supervisors and the leadership of Chairman Gates, I look forward to a top-to-bottom review of the needs of the department, including a state-of-the-art tabulation system to better process ballots. Only through a complete assessment of all options for administration of elections, and well formulated recommendations by the committee, will Maricopa County pave the way for the future of this vital function of government.”

On January 29, the work group was formed with the following executive level members:

1. Laura Etter, Chief of Staff, District 3, Chairman’s Office
2. Joy Rich, County Manager
3. Mike McGee, Director of Internal Audit
4. Keely Varvel, Chief Deputy Recorder
5. Rey Valenzuela, Director of the Elections Department
6. Ed Winfield, Director of Office of Enterprise Technology
7. Jan Plank, Director of Human Resources
8. Kevin Tyne, Director of the Office of Procurement Services
9. Cindy Goelz, Director of the Budget Office
10. Valerie Beckett, Special Assistant to the County Manager

BACKGROUND

Since 2016, there has been concern over the County’s performance and capacity during large federal elections. The complaints range from long wait times to questioning the integrity and security of the process. Since the public views elections as a County responsibility rather than the responsibility of one specific office or body, voter complaints and inquiries are sent to both the County Recorder and to the voter’s respective County Supervisor.

In the Primary Election held on August 28, 2018, there were 62 polling places that were not fully operational when the polls opened. This resulted in some voters being turned away from their

assigned polling location. The high voter turnout exacerbated logistical difficulties that resulted in long voter wait times at some of the locations. To better understand what occurred during the August 2018 Primary and to develop strategies to mitigate those issues in the November General Election, the Board of Supervisors requested both internal and external resources to review and assess the operation.

The Internal Audit Department released an interim report on September 21, 2018.

A consulting firm with elections experience was brought onboard in September. The consultant released its capstone report on November 2, 2018.

Although there were fewer logistical issues in the General Election, public concerns were voiced regarding the length of time to achieve a final ballot count. The tabulation equipment in the Elections Department was procured in 1998. The technology is outdated and limits processing capacity. Other concerns were raised about emergency voting policies and practices.

From comments made during meetings held by the Board of Supervisors, County Supervisors expressed concerns regarding the response or level of progress achieved in addressing those items identified in the published reports. County Supervisors requested more transparency regarding the planning and execution of election day activities which fall under their assigned statutory responsibility.

APPROACH

The work group met weekly and members performed a considerable amount of work outside of the formal meetings. Members began by gathering and sharing relevant information through published material, site visits, conferring with experienced elections professionals both locally and in other jurisdictions and engaging in open communication about this incredibly important project.

The work group:

- ✓ Reviewed current organizational structure, charter information, a legal summary of the division of duties by statute between the Board of Supervisors and the Recorder's Office, election reports, current budget, equipment, technology, facilities, etc.
- ✓ Evaluated the functional areas that involve "hand-offs" between the Recorder's Office and Elections Department in the areas of voter registration, early ballot distribution, early voting, signature verification, other ballot previewing, tabulation and verification of provisional ballots.
- ✓ Toured and walked-through the current operations in Maricopa County.
- ✓ Conducted site visits and conference calls with other jurisdictions to gather information on "lessons learned" and "best practices".

In order to deliver the requested report in an expeditious manner, members had to prioritize critical areas as well as the depth of focus for each of those areas. As such, there are areas and layers of complexities at different phases of the operation which the members did not fully review, i.e., department policies and policy issues, sufficiency of training materials and delivery methods, ballot building process steps, warehouse operations, and the process details handled by the third party vendor. Members acknowledge that the elections operations is complex. The complexity may even increase with possible legislative changes. The elements of this report have been prepared with the available information during the review period.

Summary of Key Areas of Statutory Responsibilities

Board of Supervisors	County Recorder	Clerk of the Board
Noticing of elections	Voter registration, Uniformed & Overseas Citizens Absentee Voting Act, updating voter rolls, precinct registers	Nomination and Election certificates to officials
Designating & operating election day polling locations, providing equipment, supplies, booths, ballots, signage	Early voting (<i>locations and operations</i>) & signature verification	Publishing proclamations related to elections
Safeguard and ensure accuracy of tabulation equipment	Provisional ballots & voter challenges	
Appointing & training of poll workers	Chain of custody of equipment and ballots from early voting through provisional tabulation	
Set location of tally & certify election results Special Districts		

Charter Information

Through a resolution adopted November 23, 1955, the Board of Supervisors established the Elections Department, appointed the department head and directed the department to dispatch the legal responsibilities of the Board and the Recorder’s Office in conducting elections.

On October 6, 1975, the Recorder, the Board of Supervisors, and the Clerk of the Board agreed in concept that all election related activities should be handled by a single department. The adopted

Elections Department Charter outlined that the Recorder, the Board, and the Clerk of the Board will mutually appoint a Director of Elections. This charter established a shared reporting structure for the Director of Elections. The director serves at the direction of the County Recorder, Clerk of the Board or Board of Supervisors when performing the statutory responsibilities assigned to each of those entities. Furthermore, the director will be responsible for all operational and administrative matters within the Elections Department.

In May 1977, the Board and Clerk of the Board, possessing special trust and confidence in the abilities of the County Recorder, did verbally appoint the Recorder to act operationally and administratively on their behalf on all management matters concerning the Department of Elections.

On August 21, 1978 the charter was amended and clarified that the Director of Elections serves at the pleasure of the County Recorder.

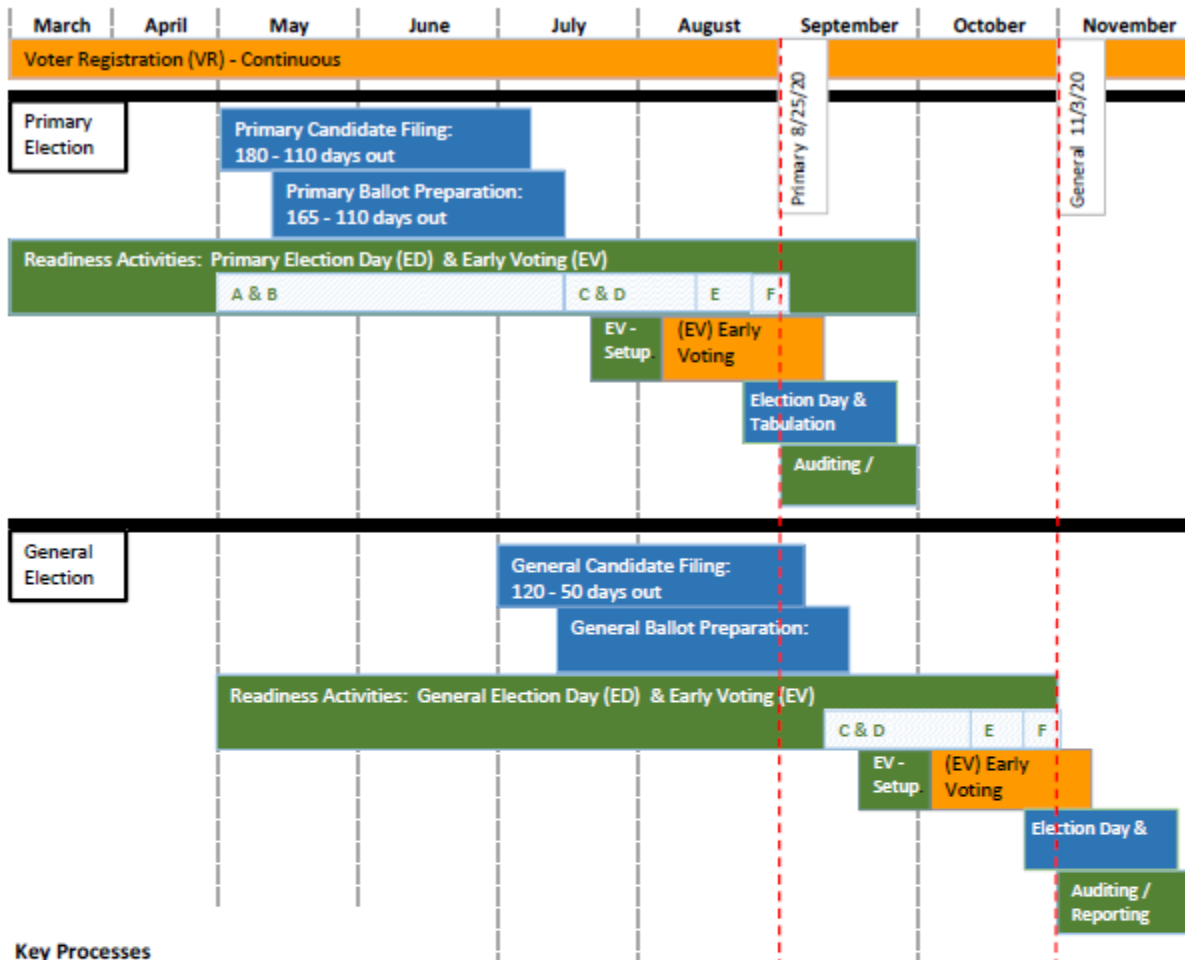
On March 15, 1982 the charter was amended for the sole purpose of documenting the appointment of a new Clerk of the Maricopa County Board of Supervisors. Then again on February 19, 1985 the charter was amended by having those current officers sign the document.

Current Processes and Shared Resources

During the review of departmental information involving processes, organizational structure, budget, staffing, equipment, facilities and technology, the members noted that the level of shared resources between the Recorder's Office and the Elections Department is significant. This is understandable considering the two offices have been operating as a single department for over 40 years.

The work group members requested to review operations manual(s), project plans, or any other type of information available in order to learn more about the processes involved in executing elections. Although an operations manual was not available, a detailed excel spreadsheet report was shared with members that sets forth a timeline for election activities. A subgroup then depicted the key elections functions in the chart below to visually display the timeline while also highlighting which activities are currently managed by the Recorder's Office, the Elections Department as well as those that are shared or performed by staff from both offices interchangeably.

Timeline of Key Election Functions for 2020



Key Processes

<p>Voter Registration</p> <ul style="list-style-type: none"> - Registration <ul style="list-style-type: none"> New - 29 days out Update - Cont. - Petition Verification - Clean Elections - Provisional Ballot - Research/Boards 	<p>Candidate Filing</p> <ul style="list-style-type: none"> - Nomination - Petitions - Signature Verification - Legal challenges - Ballot import 	<p>Ballot Preparation</p> <ul style="list-style-type: none"> - Measures / Prop. - Layout - A.R.S - Translation / ADA - Printing - L & A Testing (7 days out) - Security / Strg - EV Ballots 	<p>Early Voting</p> <ul style="list-style-type: none"> - PEVL (cut off xx days out) - Ballot/equipment distribution (45 - 28 days out) - Distribution (27 - xx days out) - Tracking - Return - Early Voting In-Person (27 - 3 days out) - Election day drop off - Signature Verification - Adjudication 	
<p>Readiness Activities</p> <ul style="list-style-type: none"> (A) Procure voting locations (120 - 20 days out) (B) Recruit poll workers (120 - 3 days out) (C) Poll worker training (45 - 2 days out) (D) SiteBook patching (45 - 14 days out) (E) Build troubleshooter and delivery routes (14 - 1 days out) (F) Setup activities: SiteBook setup, polling location setup, training (troubleshooter, vendor/county employee) - GIS Mapping precinct map build (330 - 80 days out) - Precinct map approval (330 days out - Dec 2019) 			<p>ED & Tabulation</p> <ul style="list-style-type: none"> - Precinct voting & tabulation - EV tabulation (7 days out) - Provisional tabulation - Hotline - Poll workers - Troubleshooters 	<p>Audit/Reporting</p> <ul style="list-style-type: none"> - Hand Count - Audits (check-ins/ballots) - Canvas - Storage
<p>Legend</p> <ul style="list-style-type: none"> Recorder Elections Both Recorder & Elections 				

The members participated in an extensive tour and demonstration of the operation. Although members were introduced to highly knowledgeable staff or subject matter experts (SMEs), those processes and procedures have not been formally documented that would allow for a high-level review. As a result, members requested that a process map of the functional areas be developed to better delineate more specific timelines, statutory authority, hand-offs between the two offices and the overall operational process at each phase. A consultant was selected and worked with staff from the Recorder's Office and the Elections Department the week of February 19-22. A final report was presented to the work group on March 5.

As the work group members learned more about the operations, they determined it would be important to highlight the Voter Registration Access System (VRAS). This is the central database that is utilized by both the Recorder's Office and the Elections Department throughout each election cycle. The VRAS is central to several critical functions that involve both offices, i.e., real-time access to updated voter registration information, the creation of polling maps, candidate filing for quarterly financial reports, ballot preparation, polling location management with facility agreement forms, as well as the database needed to generate various reports and lists that include: the bilingual pollworker report, early voter information, military voter information, and the data needed by the third-party vendor Runbeck. This vendor performs printing, distribution, packing and tracking of official election ballots for both the Recorder's Office and Elections Department.

It should be noted that real-time access to voter registration information in the VRAS database by the Elections Department is credited with a lower number of provisional ballots being cast. In counties where the Elections Department is a separate operation without real-time information, the Recorder's Office may take up to ten days to provide the voter registration lists. A.R.S. 16-168(A) reads, "By the tenth day preceding the primary and general elections the county recorder shall prepare from the original registration forms or from electronic media at least four lists that are printed or typed on paper, or at least two electronic media poll lists, or any combination of both, of all qualified electors in each precinct in the county and the lists shall be the official precinct registers."

Other shared resources that should be noted are: Geographic Information System (GIS) resources, SiteBooks, Ballot on Demand printers, voting booths and other supplies, software licenses and maintenance, information technology infrastructure and network, the recruiting, training and payroll functions for board workers, pollworkers, individuals to conduct signature verification and ballot duplication, vehicles, warehouse operations (storage, delivery, equipment maintenance), office space and work rooms, website and call center.

Other Jurisdictions

Of the 15 Arizona counties, six (6) have their respective elections department report to the County Manager or County Administrator. Five (5) of the county elections departments report directly to the Board of Supervisors. With Yuma County Elections Services consolidating under the Recorder's Office in February 2019, four (4) counties, Maricopa, Coconino, Navajo and Yuma have the elections department report to the County Recorder.

In order for the work group to gain a broader understanding of how other jurisdictions navigate hand-offs between those statutory duties of the County Recorder and those of the Elections Department, a tour with the Pima County Recorder and Elections Director was conducted February 26. On Friday, March 1, a conference call with the Yavapai Recorder and the Elections Department was conducted with the work group. The information and table below provides a comparison and some of the key items noted.

Comparison of Maricopa, Pima and Yavapai County Elections Information			
	Maricopa	Pima	Yavapai
Structure	Elections reports to Recorder	Elections reports to County Mgr	Elections reports to the Board*
Early vote centers transition to polling locations	YES	NO (12 EV centers in 2018)	NO
Elections has full access to voter registration database**	YES	NO	NO
Recorder & Elections share resources: warehouse, equip., website, call center, staff, etc.	YES	NO	YES
Separate budgets	YES	YES	YES
Exchange of ballots or equip. between offices via transmittal docs & verification counts by staff	NO	YES	YES
Paper ballots & printed rosters used as back-up	NO	YES	NO Use ePollBooks
Existence of MOU***	NO	NO	NO

* Yavapai changed reporting structure in 2011 and reported that there were initial operational challenges.

** Lack of access to real-time updated voter registration information will likely result in an increase in provisional ballots. Provisional ballots require more time to process.

2018 General Election	Maricopa County	Pima County
In-person Voters on Election Day	269,735	64,731
Provisional Votes	16,409	18,156
%	6%	28%

*** Pima and Yavapai counties credit their success to daily communication and collaboration.

RECOMMENDATION SECTION

Per state statutes, the Board of Supervisors, the Clerk of the Board, and the County Recorder all have designated responsibilities with respect to elections. For over four decades, the Board has

consolidated the Elections Department with the County Recorder’s Office through an adopted charter. The reasons provided in the charter(s) were for economy, efficiencies and the public good. The challenge for the work group is to recommend a structure that will most effectively serve the needs of the voter. From discussions with other jurisdictions, the critical element is not to whom the Elections Director reports, but a high-level of collaboration and daily communication. Both Pima and Yavapai county officials respect that decisions made by one office, will impact the other, so both must work cooperatively to ensure expectations are met.

The work group has been charged with gathering and reviewing available information to propose recommendations to the Board of Supervisors in order to make Maricopa County elections “best in class.” In discussing a recommended structure, all 10 work group members concur that:

1. THE VOTER EXPERIENCE AND ACCOUNTABILITY TO THE VOTER IS THE HIGHEST PRIORITY.
2. BOTH THE COUNTY RECORDER AND BOARD OF SUPERVISORS ALREADY SHARE THE RESPONSIBILITY OF DELIVERING WELL-EXECUTED ELECTIONS.
3. IN ORDER TO BE “**BEST IN CLASS**”, EFFICIENCIES MUST BE MAINTAINED, WASTE OR DUPLICATIVE COSTS MUST BE AVOIDED, AND THERE MUST BE A HIGHLY COLLABORATIVE, SUPPORTIVE CULTURE BETWEEN THE OFFICES.

STRUCTURE RECOMMENDATIONS:

Since 1978, the Board of Supervisors has fully delegated those statutory responsibilities involving elections to the County Recorder. The County Recorder selects an Elections Director to manage the operations of the Elections Department. The Elections Director serves at the pleasure of the County Recorder.

After reviewing the available information within the given time, the work group recommends:

1. Amend the Charter
 - a. Without abdicating any statutory responsibility, the Board of Supervisors and the Clerk of the Board continues to grant administrative authority to the County Recorder to perform the specific election-related duties of their collective office.
 - b. The charter should include additional detail outlining the Board’s expectations regarding the execution of those delegated responsibilities, i.e., timing of communications, election plans, status and after-action reports, and any performance criteria for those election activities assigned by statute to the Board.
 - c. Furthermore, it is recommended the charter identify a **shared reporting structure**.
 - i. A shared reporting structure could be accomplished through a variety of ways. This decision is best developed through negotiation and concurrence between

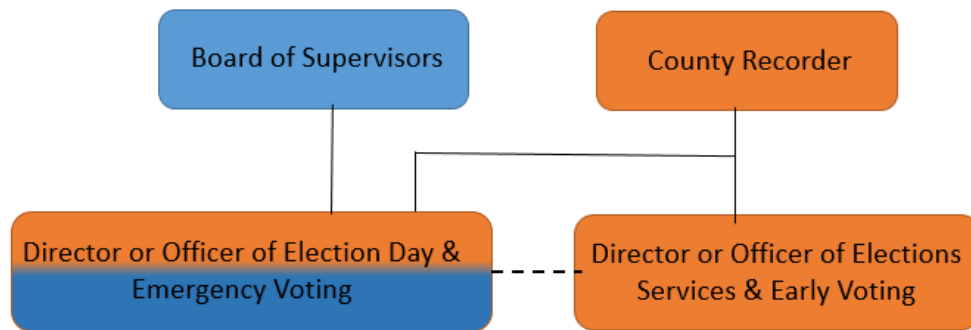
the County Recorder and the Board of Supervisors. The intent is to craft a structure that will improve communication, transparency, accountability and service delivery.

- ii. The shared reporting structure proposed by the work group is to establish two director-level positions. The scope of each position would be, to a great extent, aligned with the assigned statutory responsibilities of each entity.

The members appreciate that operational level staff may not concern themselves with the division of duties as outlined in statute, but rather have developed systems and processes that support their efforts. By establishing a structure with two directors whose areas more closely align with statutory duties, this should facilitate a review of those systems and processes with a focus on improving hand-offs and internal controls.

- iii. Both positions would be selected through mutual agreement by the Board, the Recorder and the Clerk of the Board. This mutual selection process is intended to strengthen alignment between the three entities.

Below is a simple diagram to illustrate the executive level structure. The director titles listed require further consideration.



- iv. The “Director or Officer of Elections Services & Early Voting” would report to the County Recorder. Those assigned duties would largely fall under those statutory responsibilities of the County Recorder.
- v. With the Board granting authority to the County Recorder to oversee elections activities under their purview, the “Director or Officer of Election Day & Emergency Voting” would have a shared or dual reporting structure. Meaning, the director would receive executive level direction from the County Recorder while keeping the Board apprised of operational planning and

decisions in so far as how those may impact those election activities assigned in statute to the Board.

The expectation is that the two directors would work in tandem to bridge any process and communication gaps in order to provide the best level of service to the voter. Considering both the importance and immense scope of delivering well-executed elections in the fourth largest county, the work group believes this proposed structure is appropriate at this time and allows for the following:

- Sharing of knowledge and responsibility between the entities
- Maintaining efficiencies, e.g., early vote centers transitioning to polling locations and recruiting and training of 4,000+ temporary election workers for both early and election day voting activities
- Seamless transfer and deployment of resources, e.g., staff, VRAS database, GIS, SiteBooks, Ballot on Demand printers, warehouse, etc.

2. Execute a mutually negotiated Memorandum of Understanding (MOU)

- a. Beyond those statutory duties and expectations, the MOU should clarify the management of shared resources.

Below is a list highlighting a few of the benefits and potential risks identified by members regarding this recommendation.

Benefits of a Shared Reporting Structure	Potential Risks of a Shared Reporting Structure
<ul style="list-style-type: none"> • Continue having one central point-of-contact for the public • Maintain those efficiencies developed • Allows for seamless hand-offs and thus mitigates operational failures • Avoids duplicative costs in splitting resources • Enhances communication between the two entities • Provides the Board with increased oversight to the planning and execution of areas that fall under their statutory responsibility • Administration of elections would involve representatives from multiple political parties • Allows for smooth transition after 40+ years of operating as a single department • Helps ensure resource needs are better identified and met for election activities 	<ul style="list-style-type: none"> • Necessitates full support and responsive communication from both the Board and County Recorder • Director level staff made by mutual selection must have the ability to effectively partner and embrace their roles as one team, otherwise working relationships between staff and service delivery to the voters may be adversely impacted • Inconsistent messaging with two separate public information offices • MOU may require significant time to develop and may not identify all interdependencies which may delay

<ul style="list-style-type: none"> • The 2020 Elections Calendar not drastically impacted 	<p>decision making while MOU is being negotiated</p> <ul style="list-style-type: none"> • Turnover of experienced leadership staff
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Due to the level of support needed from both the County Recorder and the Board of Supervisors in order to achieve a successful, highly collaborative shared reporting structure, the work group believed it is important for the Board to be aware of **an alternate recommendation**. If there is not sufficient support for a shared reporting structure, the members concur there must be a higher level of involvement from the Board. Therefore, the alternative proposal is to retain the current reporting structure of the Elections Director reporting to the County Recorder with three additional elements:

1. Amend the charter with specific timelines and expectations of the Board related to elections plans, reports and performance for those statutory areas of responsibilities.
2. Embed an administrator, who is selected by the Board, to partner with the Elections Director. The administrator, serving as an independent observer, would report only to the Board and would keep the County Supervisors apprised of the election efforts that fall under their areas of statutory responsibility. As needed and with the support of the Recorder, the administrator may also assist with large scale improvement projects.
3. Execute a mutually negotiated MOU detailing the accounting of shared resources.

STAFFING RECOMMENDATIONS:

1. Conduct an independent staffing analysis to evaluate the workload and the required skill-set needed for each position. *(In progress)*
2. Funding for new staff positions should be held in contingency until the analysis is completed. Based on past projects, it is believed the analysis could be completed by August 2019.

TECHNOLOGY RECOMMENDATIONS:

SiteBooks, Tabulation Equipment, Voter Registration System (VRAS), Software

1. The SiteBooks provide essential functions for the elections process and should continue to be used as a fundamental component of the overall elections technology platform.
 - Given that the SiteBooks are custom-developed, the Elections department should insure that documentation and systems updates for all software, hardware, configuration, etc. is current and archived appropriately.
 - The software used on the SiteBooks should be secured and controlled with an appropriate quality control process.

- For each election, the final configuration and setup for an intended election should go through a full security review.
2. The current tabulation system is outdated. Newer technology affords the ability to have a greater flexibility with ballot styles, streamlines the adjudication process, and performs the central count activities at a much faster rate. The County should obtain new tabulation equipment as soon as possible.
- A Request for Proposal (RFP) has been released and a vendor selection is targeted for June 2019.
3. The VRAS database serves a critical function for both the Recorder and the Elections department. Regardless of decisions as to the reporting of the Elections department to the Recorder or the Board of Supervisors, **both offices should maintain real-time access** to the VRAS database.
- Given that the VRAS database is custom-developed, the Recorder/Elections IT department should insure that documentation for all software, configuration, etc. is up to date and archived appropriately.
 - The database software should be secured and controlled with an appropriate code management process and quality control process. This will be very important to ensure that any software updates are fully reviewed and can demonstrate full security on the software in the event of an audit.
4. Several of the key components of the Elections technology platform have been custom developed by the Recorder/Elections IT department. These tools have been fundamental to the execution of elections in the County. However, there is inherent risk in custom-developed software and systems and the Elections department should consider the following guidelines:
- Ensure that all software, hardware, configurations, etc. are properly documented and archived.
 - Backup resources to the system developers should be identified and trained in the system structures, coding and platforms.
 - Commercial systems should be evaluated as a replacement any time a major upgrade to the existing customer tools is required. While commercial systems have not proven successful in the past, technology updates and advances could make them viable in the future.

- Given the retirement or departure of system developers from the County, a suitable transition period should be outlined and implemented to allow for full knowledge transfer.

5. Given the critical role that technology plays in every election, the IT department should be involved in the election planning process from the start.

ADDITIONAL RECOMMENDATIONS:

1. Distribute the 2018 turnout data with corresponding maps for each polling location for review. **(Completed)**
2. Engage a consultant to complete the process map to the task level and develop a “future” state once the new tabulation equipment is procured. **(In progress)**
3. Work closely with the Recorder to facilitate a clear Memorandum of Understanding (MOU) or any other action needed to ensure real-time access to voter registration information is available to the Elections Department.
4. Recruit and hire an experienced logistics, project management professional with certifications in LEAN or Six Sigma.
5. Benchmark Maricopa County Elections’ operational approach and tools against other large county jurisdictions to evaluate best practices.
6. Identify a project management tool(s) that will allow for enhanced communication, tracking of critical path junctures, modeling and reporting.
7. Complete and maintain an online operations manual.
8. Implement prior recommendations prepared by both Internal Audit and the third party contractor.
9. Establish an “Elections Corps” of County staff who can serve as experienced support during large-scale, high profile federal elections.
10. Create a well-functioning command center or final elections readiness space – similar to what is used in Emergency Management.

SUMMARY

Based on the review of the statutory responsibilities assigned to both the Board and the County Recorder, the number of critical operational interdependencies that exist, efficiencies gained through shared resources, the current level of tools and documentation of systems, public feedback and the upcoming 2020 elections for which staff is already preparing, the work group

recommends a shared reporting structure. This would involve the Board of Supervisors continuing to grant the County Recorder the administrative authority to perform the assigned statutory responsibilities of the Board through an amended charter. The amended charter would outline the Board's expectations in performing these responsibilities through the mutual selection of two directors whose titles and scope of duties would greatly align with the assigned statutory responsibilities of each entity. The director overseeing those areas of responsibilities assigned to the Board would report to both the Board of Supervisors and the County Recorder. The director overseeing the operations of those responsibilities of the County Recorder would have a reporting relationship directly to the County Recorder. The County Recorder would continue to provide executive policy direction to the directors charged with working in tandem to bridge any communication gaps and to best serve the needs of the voter in the most efficient and effective manner. The intent of this structure is to improve communication, transparency, accountability and overall service delivery.

In conjunction with the structure recommendation, the work group believes a staffing analysis should be conducted to ensure the Elections Department has the appropriate number of staff with the needed skill-sets to effectively and efficiently operate as an independent department. In terms of technology, the work group is supportive of upgrading the current 20+ year-old tabulation equipment. Upgrading this equipment will allow greater flexibility with ballot styles and faster ballot tabulation speed.

FUTURE STEPS

Elections is a complex, cyclical operation, which has unique needs. As previously stated, there are areas which the members did not evaluate in depth. Additionally, with pending legislation, other changes may need to be incorporated. As a result, the following is offered for future consideration:

1. Reassess after the 2020 election calendar.
2. Track the status and evaluate the results of the implemented recommendations.
3. Conduct a logistics review of the warehouse, equipment preparation, delivery, parts, etc.
4. Review and understand the role of the third party vendor (Runbeck).
5. Analyze impact of upgraded tabulation equipment.