



VOTE COUNT VERIFICATION COMMITTEE

**June 24, 2024
DRAFT MINUTES**

The Vote Count Verification Committee met on June 24, 2024, via Zoom.

CALL TO ORDER

Acting Chair, Jennifer Morrell, called the meeting to order at 11:02 a.m., and per roll call, a quorum was present.

Present:

Rhonda Barnes, General Counsel, House Democratic Staff
Thomas Collins, Executive Director, Citizens Clean Elections Commission
Jennifer Morrell, CEO, The Elections Group
Helen Purcell, former Maricopa County Recorder
Pete Rios, former Arizona State Legislator
Reynaldo Valenzuela, Director of Election Services and Early Voting, Maricopa County Recorder
Benny White, Research Staff Member, The Audit Guys

Absent: None

Also Present:

Juli Myers - Elections Executive Assistant/Constituent Correspondence Coordinator & Staff
Tanner Robinson – Elections Constituent Services Manager & Staff
Amy Chan- General Counsel, Secretary of State’s Office
Karen Hartman-Tellez – Senior Litigation Counsel, Arizona Attorney General’s Office

INTRODUCTIONS

The members introduced themselves after the call to order and roll call.

ELECTION OF CHAIR AND CO-CHAIR

Acting Chair Morrell opened discussion for selection of Committee Chair.

Ms. Purcell made the motion to nominate Acting Chair Morrell as Committee Chair. Mr. Valenzuela seconded the motion. The motion was approved 7-0.

Roll Call Vote:

Ms. Barnes: Yes
Mr. Rios: Yes
Mr. White: Yes
Mr. Collins: Yes

Ms. Purcell: Yes
Mr. Valenzuela: Yes
Ms. Morrell: Yes

The election of Chair became effective immediately. Chair Morrell opened Committee discussion on selecting a Committee Co-Chair.

Ms. Purcell made the motion to nominate Mr. White as Committee Co-Chair. Mr. Valenzuela seconded the motion. The motion was approved 7-0.

Roll Call Vote:

Ms. Barnes: Yes
Mr. Rios: Yes
Mr. White: Yes
Mr. Collins: Yes
Ms. Purcell: Yes
Mr. Valenzuela: Yes
Chair Morrell: Yes

The election of Co-Chair became effective immediately.

APPROVAL OF MINUTES

Chair Morrell opened Committee discussion on approval of minutes. Ms. Purcell stated that the July 8, 2022, meeting minutes were not included on this agenda, nor were they approved in the previous meeting. Ms. Chan noted that the July 8, 2022, minutes would need to be approved in a subsequent meeting after required notice.

Ms. Purcell made the motion to approve the September 9, 2022, meeting minutes. Co-Chair White seconded the motion. The motion was approved 7-0.

Roll Call Vote:

Ms. Barnes: Yes
Mr. Rios: Yes
Mr. Collins: Yes
Ms. Purcell: Yes
Mr. Valenzuela: Yes
Co-Chair White: Yes
Chair Morrell: Yes

ELECTRONIC ADJUDICATION AND THE CAST VOTE RECORD

Chair Morrell offered the time to Co-Chair White to present on the topic of electronic adjudication and the cast vote record. Co-Chair White expressed uncertainty about whether this falls within the Committee's statutory description. He inquired about the Committee's past actions to determine the designated margins. Co-Chair White expressed disappointment that there have been so few hand counts in the past and expressed that with the new law going into effect it will be helpful to have hand count results from all counties. He discussed a prior

Maricopa County hand count report that he believed had some vote changes revealed in the hand count audit.

In response, Mr. Valenzuela noted that although the results referenced by Co-Chair White would be recorded as an error on the hand count tally sheet, in the specific case referenced it was due to the intent requirements contained in statute for hand count audits. Mr. Valenzuela added that he did not know if this Committee has any purview over this topic. Co-Chair White said that he agreed and suggested the Committee consider legislative action to assess hand count audit reports using cast vote records for accuracy. Chair Morrel noted that the error at issue would not have affected the outcome of the race. Co-Chair White agreed but stated that such differences may have initiated a second review of the ballots. He went on to ask for information regarding what the designated margin applies to specifically, saying he did not know if the statute is clear.

Chair Morrel asked staff and Mr. Valenzuela if they had anything to note about the applicability of the statute. Co-Chair White noted that the statute did not provide clarity in connection with vote centers. Mr. Valenzuela said Maricopa County reports cumulatively and by race for both vote center and early ballots.

Chair Morrell asked if the Committee would like the requested information from each County prior to voting on Primary Election margins. Mr. Valenzuela said getting that information could be instructive for the Committee. He said that Maricopa County's 2022 General Election demonstrated two intent issues in their hand count. Mr. Valenzuela stated that getting clarity about the applicability of statute would be beneficial before the Committee considers margins. Co-Chair White said he did not think the margins should change because he believes the election tabulators county correctly, but universality across the state for hand count audits should be reached regarding the method of reporting.

Mr. Valenzuela asked whether electronic adjudication and cast vote record are within the Committee's purview. Ms. Chan said that the Committee's authority is limited to recommending the designated margins, adding that obtaining information such as this to inform the Committee action is within the Committee's purview.

Co-Chair White made a motion that the Secretary of State staff poll each county regarding what method they use in applying the designated margin to hand count audits. Ms. Purcell seconded the motion.

Ms. Barnes asked whether the Committee would be acting on item 5 or 6. Chair Morrell noted that the motion might not be an action item on the agenda. Ms. Chan agreed that the motion was not noticed as an action item and therefore could not be voted upon consistent with open meeting requirements, but that Secretary of State staff will take the direction to poll the counties without the Committee needing to take official action. Ms. Chan suggested that as a procedural matter, Co-Chair White could withdraw his motion and the Committee could move on to the next agenda item.

Chair Morrell asked Co-Chair White if he would withdraw his motion since staff would provide the requested information at the next meeting. Ms. Chan confirmed that the Committee could meet again after staff gathered the requested information.

Co-Chair White withdrew the motion based on the commitment of Secretary of State's Office staff to gather the requested information and report back at the next meeting.

RECOMMENDATION OF DESIGNATED MARGINS

Chair Morrell opened discussion regarding the current margins.

Mr. Valenzuela said legislation may have missed the mark when it noted intent counted as machine error. His experience is that the margins are important because intent is a significant factor in hand count differences and that concerns him. Mr. Valenzuela stated that he does not want to change the designated margin needlessly and he is comfortable with the current margins. Chair Morrell stated she agreed with Mr. Valenzuela.

Co-Chair White asked about setting the margins to 3 votes or 1% of the precinct or vote center being audited.

Chair Morrell said that she did not know if this is something the Committee can recommend. Ms. Hartman-Tellez said that discussion about gathering further information could be done, and advice could be obtained later instead of at present. Chair Morrell said that based on how close the Primary Election is, she recommends the Committee approve designated margin for the Primary and meet again to review the information requested prior to approving the margin for the General Election. Ms. Barnes and Mr. Valenzuela stated their agreement.

Mr. Valenzuela made the motion that the margins of 1% or 3 votes, whichever is greater, for early voting or polling place ballots be adopted for the July 30, 2024, Primary Election. Mr. Rios seconded the motion. The motion was approved 6-0-1.

Votes:

Ms. Barnes: Yes

Mr. Rios: Yes

Mr. Collins: Yes

Ms. Purcell: Yes

Mr. Valenzuela: Yes

Co-Chair White: Present

Chair Morrell: Yes

CALL TO THE PUBLIC

No comments were received to enter into the record.

FUTURE MEETING DATE

Chair Morrell opened discussion. Mr. Valenzuela said meeting at least ten days after the primary would work because the hand count will be complete by then.

After discussion, the consensus is to schedule the next meeting for early September.

ADJOURNMENT

Ms. Barnes made the motion that the Committee adjourn. Mr. Collins seconded the motion. The motion was approved 7-0. The meeting adjourned at 11:55a.m.

Roll Call Vote:

Ms. Barnes: Yes
Mr. Rios: Yes
Mr. Collins: Yes
Ms. Purcell: Yes
Mr. Valenzuela: Yes
Co-Chair White: Yes
Chair Morrell: Yes

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