



PIMA COUNTY BOARD OF SUPERVISORS

33 N. STONE AVENUE, FLOOR 11
TUCSON, ARIZONA 85701

TELEPHONE 520-724-8094
E-MAIL: district4@pima.gov

Stephen W. Christy
Supervisor, District 4

MEMORANDUM

DATE: July 31, 2024

TO: Melissa Manriquez
Clerk of the Board

FROM: Steve Christy 
District 4 Supervisor

SUBJECT: Agenda Item

Please place the following item on the Agenda for the Board of Supervisors meeting of August 13, 2024.

BOARD OF SUPERVISORS

2024 Primary and General Elections

Discussion/Direction/Action regarding election issues raised during the July 16, 2024 Board of Supervisors Meeting, including but not limited to the concerns expressed during the Call to the Public that day, and requesting that the Pima County Recorder and Elections Director be present to respond to such issues and concerns. (District 4)

Thank you.

Verbatim - Board of Supervisors' Meeting of July 16, 2024

Relating to the following item:

Agenda Item No. 5 - **CALL TO THE PUBLIC**

AG: Chair Grijalva
SC: Supervisor Christy
SY: Sherrylyn Young
SP: Sarah Price
GO: Gary Olson
SF: Sharon Fickes
KS: Kathleen Splittstoesser
MS: Malinda Sherwin
DF: Dean Forster
GB: Gail Berry
SK: Susan Kelly
SR: Shirley Requard
TL: Tim Laux
GA: Gisela Aaron

SY: Good morning. My name is Sherrylyn Young. I live at 969 North Rancho del Jefe, I'm here this morning because you'll see as the speakers come forward, that there's a great deal of concern this year about election integrity, you're going to hear a lot about chain of custody and we are really looking to ensure that we can feel confident in our elections. And there was recently a minor incident that I think really indicates that we're not feeling very confident. And what this is, is that our sample ballots came in the mail and along with our sample ballots, which up in one corner had a very small font that said the primary election was going to be on July 30th. It also came with a great big folder of voting centers, which at the top in big bold print, proclaimed that the primary election was going to be held on August 30th. That's a month later than the real primary election. I don't know how many voters will be disenfranchised by thinking they have a whole other month to vote, but I really feel that this is something that should be looked into. We need to know why our elections department cannot be more accurate in sending out information to all our registered voters, and I would really appreciate if you would look into it and make sure that we don't have these things happening in the future. Thank you.

(There were 2 speakers after Ms. Young and then Sarah Price was called upon to speak.)

AG: Sarah Price.

SP: Hi, my name is Sarah Price. We've made a public request for chain of custody for documents for the 2022 election; general election. We have found many inconsistencies and possible fraud. After each election the canvass report is the sole document used to certify the election. We assume that both the County Recorder and the Elections Director are correctly and lawfully have assembled the numbers. We trust the information on the canvass report as true and correct and correct is not negligent. The Supervisors, Recorder and Elections Director took an oath that they must adhere to. In the 2022, this Body certified the 2022 election in a virtual meeting held on November 22nd. This Board received a canvass report only a day before the virtual meeting. Today, we present evidence that the 2022 election never, should never have been certified. Due to other research we found not a single election since 2016 or beyond should have been certified. Many errors in the chain of custody. We must follow the law.

GO: Good morning, Gary Olson, Pima County since '91. The 2019 and 2023 Arizona Election Procedures manuals are quite clear when defining..

AG: Excuse me. I'm sorry. I'll give you the moment. Please have a seat. Thank you.

GA: I have to...

AG: Ma'am, this is his Call to the Audience. We'll add another 15 seconds. Go ahead sir. Thank you.

GO: Should I start again?

AG: Yeah, actually, that would probably be easiest. Yeah. Thank you so much.

GO: Okay. The 2019 and 2023 Arizona Election Procedures manuals are quite clear when defining the requirements of chain of custody. The 23 EPM has not changed from '19. Chapter 2, Section I.7.B. is not being followed. "for any election that includes a partisan race, at least two designated ballot retrievers of at least two differing party preferences shall be assigned to retrieve voted ballots from the ballot drop off locations or drop box." The 2019 EPM Chapter 2, Section I.1., states that, "a ballot drop off location or drop box shall be located in a secure location, such as inside or in front of federal, state, local, or tribal government buildings." It further goes on to state Chapter 2, Section I.1.B., "an unstaffed drop box placed inside a building shall be secured in a manner that will prevent unauthorized removal." The Recorder has stated that all of the ballot boxes are staffed. If you look at example one, this is not the case. Both janitorial and maintenance staff have complete access to every building. Are there cameras inside the operating 24/7? There is no security. Pima County is the only County in Arizona where the elected Recorder will not allow political observers during early voting. Further, there may be some locations where the number and position of poll workers does not meet A.R.S. guidelines A.R.S. 16-542 requires that the Board of Supervisors to approve the poll workers for early voting. Pima

Recorder is circumventing this by using some County employees. This is unacceptable. We want those to see those poll workers list and you must follow the law. Thank you.

AG: Thank you. Sharon Fickes

SF: Good morning. I'm Sharon Fickes from Pima County. You will have samples of these examples. You should have received them before unfortunately, we're not doing it in the order we said. Example 2 is a sample where only one person is the courier. There are at least 23 instances of the two person courier violation in this chain of custody document for the drop off ballot boxes. Example 3 is a sample of where there are no couriers shown on the form. Both of them are left off the form. Pima County is inconsistent in the chain of custody forms and not following the law. Example 4 shows a delivery of uncounted numbers of preprinted ballots. There are places where provided for two courier signatures. One Pima County employee, Marion C., supposedly an independent, and the second signature is her family member, Elliott C., a Democrat. Well, what's going on here? These are not opposite parties. Independents are not an opposite. Example 5 shows County employees pretending to be of a different party association. David G. is a registered supervisor, he's listed as a party, not determined. Karen is an independent and these are not opposite parties. Example 6, unstaffed ballot box at Mission Library. There are no staff signatures in this early vote center. There are 12 violations. There's also an example with only one line for one courier for transfer of that to the ballot processing center. These are 140 violations to the chain of custody. Pima County is inconsistent. You need to follow the law. Take care of this before our 2024 election. Chain of custody is important to all of us.

AG: Thank you. We have a copy of this. And so I understand that you all have a choreographed sort of thing. I understand that, and I'm allowing that to happen, but I can't have people coming up and down. Okay? The person that's there

GA: But it needs to be turned.

AG: Then the person speaking can turn it. Okay, Kathleen. Thank you.

KS: I'm looking for example, 7. Okay.

GA: You have to put it on here so it can be seen on this.

KS: Oh, dear.

AG: And just so you all know, this attachment of what you provided will be at the Call. We'll attach it. So everyone will have a copy at some point. Thank you. Go ahead. We'll start. Thanks.

KS: My name is Kathleen Splittstoesser. Okay. Example 7 is a sample of an in-person transfer document. The revision date is 7-18-2022. There is only one line for a courier signature. There is no line for the number of express vote envelopes. They just wrote it in. Example 8, revision date is 6-12-20 shows there is no line for a courier. It is evidence that the election in 2020 was also uncertain and insecure. Example 9 is a sample of a walk in ballots received on 11-8-22, 2022, a day after early voting ended. This box was delivered by Recorder Gabriela Cazares-Kelly to the ballot processing center on 11-15-22. That is one week late. The last day to early vote was 11-7-22. We found examples of multiple ballots being delivered to the ballot processing center after early voting had ended. Why were these ballots delivered after Election Day? Did they count? The most egregious lack of chain of custody of the transfer of ballots between the Post Office and the County Recorder. Example 10, the County provided represents a series of emails going back and forth between the Post Office and the Recorder. Her no name crew are picking up ballots from the Cherrybell station. No chain of custody transfer forms exist. This and our research of the voter rolls troubles us. We will speak of this in a bit. You must follow the law. We must have a chain of custody. I am a voter. I worked the polls.

AG: Thank you. Melinda Sherwin, followed by Dean Forster, Gail Berry and Susan Kelly.

MS: Unbeknownst to Sheila, the supervisor at Cherrybell Post Office, they deliver ballots to vote centers on Election Day. There were no ballot counts or emails between the Post Office and the Recorder's Office stating how many ballots were delivered. Recorder's employees and temporary workers could go to Cherrybell for all mail-in ballots on Election Day. Why then, is the Post Office delivering them? Where is the Recorder's crew on the day of election? Where are the chain of custody forms for Election Day? An email exchange with Constance Hargrove acknowledges delivery of the ballots on Election Day by the Post Office, and that it was an agreement between the Post Office and the SOS. There are no, there is no document, however, that mandates or directs the Post Office to do this. You have no authority to violate the law. None of you.

AG: Thank you. Dean Forster.

DF: Dean Foster of Pima County since '95. We found County employees or temporary employees that have switched parties from Democrat to either PND or independent. They did not recognize parties. Data dumps clearly show some of these individuals have switched parties during federal election years and have allowed to work, been allowed to work in violation of A.R.S. This is unethical and unlawful. Some of those people were allowed to work at early vote centers, where no observers are allowed. The Recorder talks about them ensuring the two party rule is followed. Is the Recorder following that practice? We've heard differently from friendly staff. Of the 15 early voting sites, we show 11 sites received uncounted amounts of preprinted ballots or ballot stock. Where are the

remaining four documents? No chain of custody. Unknown numbers of voted ballots. Unknown number of ballot paper stock going out and returning to Recorder with no accountability. Fraudulent signatures. Delivery and pickup person signed for two people. Missing seals on Mail-in ballots. Ballot boxes on chain of custody documents. Further, there are mail-in boxes received that had no seals or the seal was damaged. This is either sloppy or they were tampered with them. Some in this group of speakers have brought data issues to your attention in the past. The Recorder uses uncertified home grown software for early voting. It's very possible due to the sloppy programming people who registered inside the 29 day cut off period were allowed to vote. Example 15 demonstrates the voters were registered after the 29 day cut off period, voted. Certainly, the outcome of the '23 election could have changed. Example 16 is A.R.S. 16-120.

AG: Gail Barry, followed by Susan Kelly, Shirley Requard and Tim Laux.

GB: Good morning. My name is Gail Barry. I'm a relatively new Arizona resident. I live in Pima County. We've spoken about voters who are over the age of 100 on record and one individual that is 122 years old. Example 17, here we found over 109,000 registration records without any prior history of voting, of those over 65,000 were on the AEVL and have received a ballot with certainty that nobody would respond. What happened to these ballots? Were they inserted during the Post Office and Recorder transfers? Why isn't A.R.S. being followed to remove these voters? The GOP has received numerous calls from voters asking why they cannot find their voter registration record. One voter called in and received a "we have a database glitch" type of answer. We've also been asked why some 10,000 voters were dropped from the voter registration. We, as Americans have to be able to trust our election system, and we trust that you value it as much as we do. Thank you.

AG: Thank you, Susan Kelly.

SK: Good morning. I'm Susan Kelly out of District 3. As we see it, let's see how many counts of apparent or potential illegalities we've experienced in our elections in 2022. Count 1, chain of custody failures and violations, per A.R.S. 16-621.E, count 2 reconciliation procedures, A.R.S. 16-602 and A.R.S. 16-608. Count 3 voters being told they've already voted A.R.S. 16-411, that goes towards the Hava section 301 accuracy rate. Count 4, reduction of 265 precinct locations to mere 125 vote centers that are more than two miles from people's homes. That is, voter suppression, civil rights violations, and 14th amendment issues. And I was informed this morning that one of our early vote centers that was supposed to be open was not due to some unknown event that happened this morning. So count 4, violation of A.R.S. 16-531, Recorder list of Election Board workers not provided to public. Count 6, unlawful curing procedures A.R.S. 16-550, count 7, unstaffed drop boxes A.R.S. 16-1005. We believe Sam Brown and the Pima County Attorney need to investigate and submit a legal opinion on whether or not

PND and IND are parties. The language in chapter 2, section 1, that states two differing parties cannot possibly mean anything but existing recognized parties of Democrat, Republican, Libertarian, and now the Green Party. We are not talking about the intent here. We are talking about the actual words written in the EPM Please look into election issues.

AG: Shirley Requard.

SR: Supervisor Christy. Steve, we are directly asking you to request the presence here of the Pima County Recorder and the Elections Director to answer questions just surrounding the chain of custody issues, the data issues, and the fact that sample ballots were mailed out and the election date shown is August 30th, as has been said previously. We've not located any Democrats with sample ballots to determine if the Democratic ballots are also showing August 30th of 2024. I think, though, that we have a very, very big problem, don't you? What is the remedy here, sir? We believe many persons have already opened their sample ballots and have seen the incorrect voting date. Do we really believe that a second sample ballot would actually even be opened? It would be immediately thrown into the circle file, in my opinion. There will be those who choose to vote in person who would be disenfranchised because of this date error. This is a ploy designed to confuse the public. No mistake. What about the reports from observers who claim it's far more difficult to witness signature verification? The County Recorder is on record stating that AI signature verification software will not be used, that every ballot that requires verification will be done by a human. This practice had an 80% failure rate in the 2020 and 2022 elections in Maricopa. Is this the reason that observers cannot witness signature verification? Is the genuine two party rule being used for signature verification? These and many other questions from previous speakers need to be answered, sir. There is very little public trust we can no longer believe anything that we hear from the County recorder, as words are not matching actions. You must follow the law. Please, Steve, help us.

AG: Tim Laux followed by Gisela Aaron, Gary Vela, Keith Van Heyningen and our last speaker is Tim Smith. So if you wanted to speak and please put in a card.

TL: Good morning. The current Recorder has never submitted a list of poll workers, and this Board has never approved a list of early vote poll workers, which is a violation of 16-531. I submit that our Recorder is knowingly conducting maladministration in connection with the manner in which early voting is being handled. The changing of parties from IMD or PMD so they can work specific positions is unethical. We need to see what's going on there. We have evidence of multiple workers, multiple workers, not just a couple, who have changed their parties during federal election cycles. We have no idea how much ballot stock was delivered to vote centers? How much ballot stock was used? How many were spoiled? This Board has been provided with sample documents contained through a public records request to the County Recorder. The documents

requested have all been or will be submitted to the Clerk in their entirety. There's over 200, 250 pages. Chain of custody process is disgraceful in Pima. All the people of Pima County have been disenfranchised. I have provided numbers for past elections. No elections going back to 2016 should have ever been certified. Our trust has been violated and you have violated your oath. The transparency of our early voting process must become more forefront considering the upcoming general election. It is your job to ensure election integrity. You have failed miserably. Since you certify elections without any confirmation of accuracy, you are now officially put on notice. Let the record reflect your negligence and our findings of the '22 general election. If you do nothing to correct this, then you are equally as guilty as the County Recorder. So, as I am so famously known for now, cut the crap, guys.

AG: Gisela Aaron?

GA: Good morning. My name is Gisela Aaron. I live in Pima County. We found no chain of custody exists between the Post Office and the Recorder's Office. Where are the two party couriers? This is providing a huge opportunity for ballot stuffing. If they had no chain of custody, then most likely they did not have any secure chain of custody in 2020. We found 4 vastly different chain of custody forms. One was dated June 12, 2020, it had no lines for couriers at all. It's in your packet. It cast a '22 election as uncertain and invalid, it also brands the 2020 election as uncertain and invalid. After 15 voting centers, early voting centers, 11 sites have received unknown, uncounted amounts of ballots, stock or preprinted ballots without any chain of custody. It is rendering the 2020 election as uncertain and uncertifiable, and if it happens in, if this happened in '22, Pima County also did it did not have a secure ballot or ballot stock in 2020. That's what I say. You have certified uncertain and unreliable election results without any proof. Just taking the word of a new Recorder and new Elections Director. Get it fixed right away for this election, or you are as guilty as the Recorder or Election Director.

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SC: It's obvious, there are some deep, deep and serious problems with the electoral process. We are experiencing and have experienced right now. We heard very eloquently a number of issues that need to be examined. They need to be addressed and they need to be answered to. I am requesting at the next Board meeting that this whole topic be placed on the agenda, and that the tape of the speakers be looked at and recorded so that all of the questions raised, all of the issues, raised, all of the concerns raised are addressed in that agenda item at the next August meeting. And I would also request that the Recorder be present and that the Department of Elections Director be present, and that they be allowed to answer these questions, either in the order that they were asked at Call to the Public or under their own listing. But it's essential that we get to the bottom of this. We have, unfortunately, it'll be too late.

CG: You've asked for the item to be put on the agenda. That's the only thing that we can do at this point. Or respond to a criticism, I believe we've done it.

SC: The issue, again, needs to be addressed. And so that's what I'm requesting.

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