

# AGENDA MATERIAL

DATE 11/21/24 ITEM NO. RA4



November 14, 2024

Ms. Constance Hargrove  
Pima County Elections Director

Per your phone request, please consider this email official communication delegating the responsibility of the L&A testing for the automatic recount for your Sheriff's race in the November 5, 2024 Election to you, as the Election Official of Pima County responsible to the Board of Supervisors.

Per the Elections Procedure Manual (EPM), Chapter 13: Certifying Election Results, page 255:

For any race other than the Secretary of State's race, the Secretary of State is responsible for ensuring that the electronic voting equipment to be used for the recount is available and properly programmed. Unless the Board of Supervisors race is subject to an automatic recount, the Secretary of State may delegate this duty to the Board of Supervisors, who in turn may delegate this duty to the officer in charge of elections. If a Board of Supervisors race is subject to an automatic recount, the Secretary of State may directly delegate this responsibility to the officer(s) in charge of elections. A.R.S. § 16-664(A).

As the Election Official/Filing Officer for the County, you are required under this delegation to program and test the election while obtaining the court order through your office and conducting the recount only for the race(s) under automatic recount order and only using central count election equipment as outlined in the EPM. The public notice regarding the L&A testing must also be considered with posting at least 48 hours in advance and allowing time to receive and test a new program prior to the public testing. There is no option to use precinct-based tabulators, to count by hand the ballots cast instead of electronic tabulation, and the automatic recount is only for this race. As this is a county race, it is also not subject to the political party hand count audit.

No other races may be recounted without court order. Per our discussion if you have city or town jurisdictions that require a recount of their races, they also need to go to court to obtain that order for an automatic recount and would look to Pima County, as their vendor to conduct that recount at the same time as your race, in an ideal situation. That may not be possible due to

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timing of their canvass, and that would be left up to you, as the county to determine how to proceed with any recount they may require.

The results of the recount shall remain sealed per the court order you will obtain after your Board canvasses the election, until provided, by the Election Official, to the Court, where the winner will be declared by the Judge in open court. There is no requirement of the Board of Supervisors or any other local jurisdiction to canvass the results of the automatic recount.

Please let me know if we can provide further guidance as specified in the EPM.

A handwritten signature in black ink, appearing to read "Lisa M. Marra". The signature is fluid and cursive, with the first name "Lisa" being the most prominent part.

Lisa M. Marra  
State Election Director

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