

**PROCEEDINGS OF THE COCHISE COUNTY JAIL DISTRICT BOARD OF DIRECTORS
MEETING HELD ON
THURSDAY, MAY 25, 2023**

A meeting of the Cochise County Jail District Board of Directors was held on Thursday, May 25, 2023 at 1:00 p.m. in the Board of Supervisors' Hearing Room, 1415 Melody Lane, Building G, Bisbee, Arizona.

Present: Peggy Judd, Chairman; Tom Crosby, Vice-Chairman; Ann English, Supervisor

Staff Present: Richard G. Karwaczka, County Administrator
Sharon Gilman, Deputy County Administrator
Christine Roberts, Chief Civil Deputy County Attorney
Tim Mattix, Clerk of the Board

Attendees: David Stevens, County Recorder

Chairman Judd called the meeting to order at 1:00 p.m.

ANY ITEM ON THIS AGENDA IS OPEN FOR DISCUSSION AND POSSIBLE ACTION

ACTION

Elections

1. Accept the election results certified and submitted by the Cochise County Elections Department as the official canvass for the Special Election held on May 16, 2023.

Supervisor English made a motion to accept the election results certified and submitted by the Cochise County Elections Department as the official canvass for the Special Election held on May 16, 2023. Vice-Chairman Crosby seconded the motion.

Chairman Judd opened the item for public comment.

Jack Dona spoke in opposition to the item and detailed the various reasons for his opposition.

Dan LaChance spoke in opposition to the item and detailed various reasons for his opposition.

Hoang Quan spoke in opposition to the item and detailed various reasons for his opposition.

Yvonne Mayer spoke in opposition to the item and detailed various reasons for her opposition.

George Praggastis spoke in opposition to the item and detailed various reasons for his opposition.

Johnny Lee Wilson was called upon but did not speak.

Henry Conroy spoke in opposition to the item and detailed various reasons for his opposition.

Nancy Olmstead spoke in opposition to the item and detailed various reasons for her opposition.

Randall Limbach spoke in opposition to the item and detailed various reasons for his opposition.

Steve McNeely spoke in opposition to the item and detailed various reasons for his opposition.

Dixie McNeely spoke in opposition to the item and detailed various reasons for her opposition.

Kara Harris spoke in opposition to the item and detailed various reasons for her opposition.

Chairman Judd called on Uwe Adric and Barbara Adric, who both indicated they did not wish to speak. Both were opposed to the item. Chairman Judd noted that three additional speaker request forms were received from individuals opposed to the item.

Chairman Judd discussed having known the Jail District was a need beginning seven years ago, and knowing that a decision would need to be made some day. She discussed publicizing meetings and the meetings being made available online. She stated that having Recorder Stevens over this election made her feel secure about it.

Chairman Judd called on Recorder Stevens to present this item. Recorder Stevens read a report as follows:

The Cochise County Jail District Election was executed. All eligible voters received a ballot. There were 76,219 active registered voters. Statute dictates that only active voters get mail in ballots on all-mail Special District [elections].

Logic and Accuracy (L&A) test was performed on April 12, 2023 at 2:00 p.m. Representatives from both political parties along with three election staff were present. Notice was published in the Bisbee Observer March 30, 2023, posted on the County website, and posted at the Board of Supervisors bulletin board. Two different sets of test decks were utilized, and the test was accurate. The Post L&A test was performed on May 24. Results were the same as the Pre-Election L&A test. Passed successfully.

The results were released at 8:00 p.m. on Election night and posted on the website. One posting occurred that night. An additional posting occurred on Wednesday, May 17, which added 2,051 ballots. The election was closed out on May 19, which was Friday, at 5:00 p.m., when we added an additional 15 cured signatures were accepted and tabulated into the existing results and a final posting occurred shortly after 5:00 p.m. Overall, there were 34 signatures cured [with] ballots tabulated.

Three Ballot Replacement Centers were established in Wilcox, Sierra Vista and the Records Office. It was open on election day from 6:00 a.m. until 7:00 p.m. 544 ballots were dropped off and 35 replacement ballots were issued. A staff member

along with a local poll worker were utilized at the Willcox and Sierra Vista sites. Two couriers were onsite at 7:00 p.m. to bring all ballots and election material back to the Elections Department. They arrived between 7:45 p.m. and 9:15 p.m. and after taking inventory of the materials and securing them in the warehouse, elections staff left the facility at 9:45 p.m.

Drop boxes were utilized during the entire early voting period. They were located in Sierra Vista, Douglas, Willcox, Benson, and Bisbee. The boxes were removed at 5:00 p.m. on May 15th, and 2,620 ballots were collected overall out of the drop boxes.

Overall voter participation for the election was 32.84%, roughly one-third, with a total of 76,219 ballots mailed, and 25,048 returned (accepted by the Recorder and tabulated by Elections). 16 ballots were under votes which means they did not vote either yes or no. 21 ballots were rejected due to no signature and 420 ballots were rejected and not counted due to the ballots being received in the mail after the election. 3,215 undeliverable ballots were sent back to us and were not accepted or counted.

Chairman Judd asked how signatures are verified, in response to comments from public earlier in the meeting. Recorder Stevens stated that as ballots come in, they are in hand, and a barcode is scanned that brings up the voter's record and the most current signature. If that does not match significantly enough, staff goes back into the voter's record to check all of the signatures that they have. The number of signatures on file depends on how often they move, update their record, or send a new signature. Once signatures are determined to be satisfactory, they are put into a batch and sent to Elections. If a ballot is rejected by the initial staff member, it goes to the Chief Deputy Recorder for review; if the Chief Deputy rejects it, it goes to Recorder Stevens for a final decision. Recorder Stevens offered an opportunity for individuals to make an appointment to see how the process is done. In response to Chairman Judd, he confirmed that previous signatures are available on computer screen for verification, through the AVID (Access Voter Information Database) system; the wet signature is in hand, and held up to the screen to compare. Some signatures go quickly while others are obviously not a match.

Chairman Judd asked Recorder Stevens to describe inactive voters in response to concerns raised by the public about disenfranchised voters due to being inactive. Recorder Stevens stated that inactive voters goes back to a state bill from 1993 regarding how to remove individuals from voter rolls and has to do with undeliverable first class mail coming back to the Recorder's Office. The Recorder's Office is required to send a second letter requesting individuals to update their voter registration. If that does not come back in 35 days, they are moved to an inactive status, where they stay for four federal elections. At any time during those four elections, they can make their status active by showing up to vote.

Chairman Judd asked what a typical voter turnout percentage is. Recorder Stevens stated that the most recent election in May, 2022, a Mayoral run-off election in Douglas, had a 12% turnout. The March, 2022 Douglas election had approximately a 15% turnout. He stated that for May, this election's turnout was good, but would not be for an August or November election. If the election was in May 2024, the turnout may have been higher.

Chairman Judd asked about public forums and public notice dates. Recorder Stevens stated that the publicity pamphlet was the biggest part that he had; state law requires only one pamphlet be mailed to any house with a registered voter and more than 46,000 pamphlets were mailed. He stated that he does not have the dates of

postings, but can get them to the Board; he thinks that some were done before he took over the job. Notice was posted on the website when the early ballots were done. The pamphlets were received two days before the ballots. Chairman Judd discussed the public forums around the County, and asked about the timing of the initial notice of election publication. Mr. Karwaczka stated that he does not have the exact date of publication and noted that it was also placed on the County's website.

Vice-Chairman Crosby stated that he does not have questions and that he read the entire package from Recorder Stevens.

Supervisor English stated that most of the things brought up by the public at today's meeting were in Recorder Stevens' wheelhouse to begin with, as the Recorder, including signature verification. She stated that she has felt comfortable all along that the Board was following the process outlined by statute, and that the County Attorney, and the consultant, HighGround, Inc., to lead the County through the process and made sure that the Board follows all of the laws. She noted that individuals who spoke today indicated that 11,000 people were disenfranchised, without saying who the individuals were or why.

Vice-Chairman Crosby discussed a Board action in 2021 to pass a resolution declaring Cochise County to be a Constitutional County, and stated that he voted no on January 24, 2023, to approve this election being a ballot by mail election. He discussed the publication of the advertisement in the newspaper before approval by the Board, and his thought that it violated due process. He discussed plausible deniability, and quoted from the 5th and 14th Amendments regarding due process of law. He stated his belief that the process approved by the Board on January 24, 2023, violated due process.

Chairman Judd discussed her hesitation when it originally came up, and noted that the Board needs to make hard choices. She stated that she is a constitutional person. She encouraged people to go to their legislators, and discussed her feeling that the election was conducted as good as it could have been under Recorder Stevens. She discussed the results being close. Chairman Judd expressed appreciation to those who came and spoke at today's meeting and discussed the funding mechanisms available to the Board, noting that this is the least harmful option for those who do not like taxes and the most beneficial, and discussed opportunities for public input and interaction.

Chairman Judd called for the vote and it was approved 2-1 (Crosby opposed).

Chairman Judd adjourned the meeting at 1:52 p.m.

APPROVED:

Peggy Judd, Chairman

ATTEST:

Tim Mattix, Clerk of the Board