



Maricopa County
Office of the Recorder

Helen Purcell - Recorder

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April 22, 2016

Voting Section
Civil Rights Division
U.S. Department of Justice
NWB 7254
1800 G. Street, NW
Washington, DC 20006
voting.section@usdoj.gov

RE: Maricopa County 2016 Presidential Preference Election

Dear Mr. Herren:

I am writing in response to your April 1, 2016 letter in which you requested information regarding the March 22, 2016 Presidential Preference Election (PPE). The following pages list each question followed by a written response or the data requested.

As stated in your letter, Maricopa County had too few polling places for the March 22, 2016 election. I sincerely apologize to all of the voters who had to wait in long lines. The burdens of long waiting times were county-wide and did not disproportionately burden areas with substantial racial or language minority populations.

To ensure the problem does not recur, Maricopa County has increased the number of polling locations for the May 17, 2016 Special Election. Moreover, for the 2016 Primary and General Elections, there will be 724 voting locations open on Election Day and we anticipate having more than 20 on-site early voting locations open throughout the County starting 27 days before the elections.

If you need any additional information, please do not hesitate to contact me.

Sincerely,


Helen Purcell

Maricopa County Recorder

1. **A list of polling place locations in Maricopa County for voting on election day for the March 22, 2016 election. The data should include the polling place name and address, as well as the voting precinct(s) served by each polling place.**

A list of names and addresses of the 60 polling places used in the PPE is enclosed as Exhibit 1. On April 1, 2016, this information was moved from the “Polling Place Locator” webpage (<http://recorder.maricopa.gov/pollingplace/>) to the “Polling Place Detail Report” webpage (<http://recorder.maricopa.gov/pollingplace/pastpollingplacedetail.aspx>).

2. **A description of the procedures and criteria for determining the number and locations of polling places established for election day voting in Maricopa County during the March 22, 2016 election. To the extent that there was a reduction in the number of polling places in this election in comparison to past elections, please provide a description of the reasons for such a change, as well as whether the County examined the potential disproportionate effects of these changes on voters based on racial or language minority group (and, if so, the results of that examination).**

The Maricopa County Recorder/Elections Department (“Department”) determined that the number of polling places could be reduced by using Voting Centers. While Maricopa County has 724 voting precincts for other elections, Arizona law allows the counties to use no more than half of those precincts for a PPE. A.R.S. § 16-248(C). By using Voting Centers for the PPE, voters could cast a ballot at any voting location rather than being limited to voting only at one voting precinct. *See*, A.R.S. 16-411(B)(4). The City of Phoenix, Yuma County, and Yavapai County have successfully used Voting Centers for many years. The PPE was the first statewide election in which Maricopa County used Voting Centers.

The development of the Department’s plan and approach to the 2016 Presidential Preference Election began in the spring of 2015. The Department calculated the number of polling places for the March 22, 2016 election starting with the number of voters eligible to vote in the election, less the number of voters who would receive an early ballot, and the projected voter turnout at the polls based on prior PPE turnout. Exhibit 2. The methodology used was as follows:

A. Only voters registered in a recognized political party were qualified to vote in the PPE.

Total registered voters	1,900,000	
<u>Ineligible to vote</u>	<u>- 700,000</u>	(registered as independent, libertarian, no party)
Qualified to participate	= 1,200,000	

B. *The qualified voters less the number of voters who were mailed an early ballot.*

Qualified to participate	1,200,000
<u>Early Ballot</u>	<u>- 890,000</u>
Projected voters at the polls	= 310,000

C. *Number of projected voters reduced based on percent turnout in prior PPE.*

Projected voters at the polls	310,000
<u>Previous turnout PPE in 2008</u>	<u>x 23.5%</u>
Total estimated turnout	= 73,300

D. *Estimated turnout divided by the number of Voting Centers.*

Total estimated turnout	73,300
<u>Voting Centers</u>	<u>÷ 60</u>
Voters per Voting Center	= 1,188

Rounded up to 1,500

The Department estimated that a polling place would have to accommodate approximately 1,188 voters. The Department then looked at how it could manage a higher than expected voter turnout by rounding up the projected turnout of 1,188 to 1,500 voters per Voting Center.

In the 2008 PPE, voters were required to vote in the precinct of their residence. There were 5-7 polling place workers per site with two check-in lines and paper rosters were used. In contrast, for the March 22, 2016 PPE, the Department increased the polling place workers to 13-15 per site and 4-5 check in lines and utilized electronic poll books for each Voting Center.

The only consideration given to demographics (racial or language groups) was for the Native American Nation precincts. These were not consolidated and each of the Native American communities had separate polling locations, on site at their Tribal Offices, as has been done in past elections.

- Tohono O'odham Nation polling locations: in the San Lucy Administration Building located in the middle of the Town of Gila Bend; and the Kaka Village Community Center, which has a mailing address of Gila Bend but is situated approximately 2½ hours away from Gila Bend by car in an extremely remote area of the County. From downtown Phoenix, the drive to the Kaka Village requires one to drive through Maricopa, Pinal and Pima Counties.
- Fort McDowell Yavapai Nation polling location: Fort McDowell Indian Community Recreation Center.
- Gila River Indian Community polling location: District 6 Community Service Center.
- Salt River Pima-Maricopa Community polling location: Salt River Community Center.

Lastly, the Maricopa County Board of Supervisors unanimously approved the 60 polling locations on February 17, 2016. Exhibits 3-5.

- 3. A description of whether voters in Maricopa County could vote at any polling place location in the county on election day during the March 22, 2016 election. Please also indicate whether there was a change to procedures regarding where voters could cast ballots on election day for this election. Please also describe the information provided directly to voters and publicity provided generally to the public regarding election day voting procedures for this election.**

Voters in Maricopa County could vote at any polling place on election day for the PPE. Voting Centers have been used for many elections by the City of Phoenix, Yuma County, and Yavapai County. The Voting Centers chosen for the PPE were larger facilities than the typical polling place location used in precinct based elections.

The use of Voting Centers for the PPE was possible because the PPE was the only election on the ballot and the use of electronic poll books (“ePoll Book”). The ePoll Book allowed board workers at each Voting Center to access the entire voter registration database. The board worker could ascertain a voter’s registration information including the voter’s party affiliation. For the PPE, if the voter was a registered voter with the Republican, Democratic, or Green Party, the voter was eligible to vote a regular ballot. If the voter’s party affiliation was not one of the three aforementioned parties, the voter would have the opportunity to vote a provisional ballot. Hence, voters could vote at any of the 60 Voting Centers due to the ePoll Book technology.

In contrast, in precinct based elections, each of the 724 polling locations was provided with a printed registry of voters in that particular voting precinct. If a voter shows up at a polling place, which was not his or her voting precinct based on residence, the voter’s name would not appear on the printed registry and the voter would be directed to the correct voting precinct.

Only polling locations that had previously been precleared by DOJ for the 2012 General election were used for the PPE, except for three locations. The Cross of Glory Lutheran Church and the Deer Valley Worship Center were used in the 2014 and 2015 elections. The Queen Creek Library was used for the first time in the PPE. In addition, the Department looked for larger facilities with greater parking availability and chose locations that were within 5 miles of 96.8% of all active voters in the County.

Moreover, Voting Centers were possible for the PPE due to a limited number of ballot styles. Each Voting Center had ballots listing the candidates in the Republican, Democratic, or Green Party. Depending on the voter’s political party affiliation, the voter would be given a ballot style for the voter’s congressional district. The Voting Centers, therefore, were supplied with ballots for each of the three political parties participating in the PPE and the eight congressional districts in Maricopa County. The PPE gives “qualified electors the opportunity to express their preference for the presidential candidate of the political party indicated as their preference by the record of their registration.” A.R.S. § 16-241(A). Because of the unique nature of the PPE, no other election may appear on the ballot. *Id.*

This information was provided to voters through various media and the sample ballot. The attached exhibits are examples of the publicity for the PPE. Exhibits 6-9.

- 4. A complete list of registered voters for Maricopa County for the March 22, 2016 election including information on assigned precincts. Please provide this data in a Microsoft-Excel compatible format, such as “.xls” or “.csv.”**

Exhibit 10.

- 5. Data on the total number of voters who cast a ballot in person on election day during the March 22, 2016 election at each polling place location in Maricopa County. Please also provide data on the total number of voters who actually cast a ballot in the March 22, 2016 election through any other available voting procedures, such as early voting in person, early voting by mail, or other methods (including the number of voters casting a ballot by each such method). Please provide data on the total number of voters who had requested a ballot to vote early by mail in the March 22, 2016 election.**

Exhibits 11-13.

- 6. Data on the staff assigned to each polling place location during the March 22, 2016 election, including the number of bilingual staff poll workers, and a description of how staff assignments differed from prior elections.**

In determining the number of board workers needed at each polling location, the Department considered the voter turnout in the 2008 PPE. In 2008, the last PPE in which both the Democratic and Republican Parties participated, the Department assigned 5 to 7 board workers at each location with two check in lines using paper rosters.

For the March 22, 2016 PPE election, the Department estimated approximately 1,500 voters for each Voting Center location. With larger facilities, the Department assigned 13 – 15 board workers at each location. Given that each polling place location required at least one proficient bilingual board worker, the Department knew that, at a minimum, 60 bilingual board workers were needed. The Department then looked at the physical location of the polling place and, based on institutional knowledge, determined some of the polling places needed up to four proficient bilingual board workers. In total, the Department assigned 178 bilingual board workers. Of the 178, there were 162 who worked on March 22, 2016. For the Native American polling place locations, the Department hired individuals who spoke the native language.

In addition to polling place board workers, 8 of the 24 trouble shooters who worked the PPE were bilingual.

Exhibits 14-16.

- 7. Data on the total number of provisional ballots cast during the March 22, 2016 election at each polling place location in Maricopa County, including available information regarding the stated reasons for voting by provisional ballot, and whether the provisional ballot was counted or not.**

Exhibits 17-19.

- 8. Where available, information on the actual times when the last voter voted and polls closed for all polling place locations in Maricopa County during the March 22, 2016 election.**

Exhibits 20 and 21.

- 9. Maricopa County's procedures for recording political party registration in the voter registration database and the available information from any review conducted by Maricopa County regarding voters who said they believed their party information was incorrectly recorded in the voter registration database during the March 22, 2016 election.**

There are 3 ways for voter registrations to come into the voter file: (1) the paper copy of the registration received over the counter or by mail; (2) in person at the Motor Vehicle Department ("MVD"); and (3) online registration.

1. Paper copy registration received over the counter or by mail

If this is a first time registration for the voter, the Department uses the information the voter gives in the "political party" area of the form. If no party is listed, the file is set to party not designated. If the party is not a recognized political party and is not a known party, the voter is given party not designated status. If the registration is a modification, meaning the voter is already on the file, the Department retains the political party listed previously. A new voter registration card is sent to the voter indicating the voter's party preference. Exhibit 22: 2014 State of Arizona Procedures Manual, at 21, ¶¶ 25-29; http://www.azsos.gov/sites/azsos.gov/files/election_procedure_manual_2014.pdf.

2. In Person at the MVD

An individual wishing to register to vote or to change his or her registration can do so in person at MVD. The application (pictured below) has a box for voter registration. If the customer fails to write anything in the MVD political party form box, the clerk at MVD selects "blank" as an entry. When the information is transmitted to the Department to be added to the voter registration file, the same process as outlined for the paper registration is follow. If there is a previous political party and the political party box is "blank", the voter will retain the previous political party affiliation on file. A voter registration card is then sent to the voter indicating the voter's party preference.

Excerpt of the driver license application before the PPE
ADOT Form #40-5122 R12/11

<input type="checkbox"/> Yes <input type="checkbox"/> No	Are you a United States citizen who wishes to register to vote or update your existing voter registration?	Party Preference
<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	I want to be placed on the permanent early voting list and receive an early ballot by mail for each election I am eligible.	

Excerpt of the driver license application after the PPE
ADOT Form #40-5122 R04/16

<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Have you ever been determined to be incapacitated by a court? (driver license applicants only)	Party Preference <input type="checkbox"/> Republican <input type="checkbox"/> Democratic <input type="checkbox"/> Other
<input type="checkbox"/> Yes <input type="checkbox"/> No	Are you a United States citizen who wishes to register to vote or update your existing voter registration?	
<input type="checkbox"/> Yes <input type="checkbox"/> No	I want to be placed on the permanent early voting list and receive an early ballot by mail for each election I am eligible	

In addition, when the form from MVD is transmitted to the Department, the form entered into the voter registration system carries an "M" at the end of the file. In the example below, the letter "M" appears at the end of the long series of numbers indicating that the registration was received by the MVD.

Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	<i>If you checked 'No' to either one of these questions, do not submit this form.</i>
Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	
Above information is true, that I am a RESIDENT of and I have NOT been adjudicated INCOMPETENT.	
This is a printed representation of the completed ServiceArizona web form 20140207160632009 M	
02/07/2014	
DATE	

3. Online voter registration

A person may register to vote online by visiting www.servicearizona.com. Through ServiceArizona, a voter is prompted to answer the question of political party affiliation with a drop down menu, which is pictured below. The voter must make a selection in order for the voter to continue completing the form. This form requires the driver license number or Arizona Identification Number for registration. Once the form is completed, the voter is given a confirmation number.

Voter Registration

Enter Voter Registration Information

Please select from the Party Preference drop down list or fill in the "Other Party" field.
 Party Preference: or Other Party:

Please complete information.

Father's last name or mother's maiden name:

Phone Number:

Email address:

Occupation:

Other:


Are you registered to vote in another county within Arizona or another state? Yes No County or state where previously registered:

Has your name changed since the last time you registered? Yes No

Enter your former name:
 First: Middle: Last:

Would you be willing to work in a polling place on election day? Yes No

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In the form transmitted from ServiceArizona to the Department's voter registration file, the letter "I" appears at the end of the long series of numbers indicating that the registration was received via the internet. An example is pictured below.

Yes No
 Yes No

If you checked 'No' to either one of these questions, do not submit this form.

e information is true, that I am a RESIDENT of
 I have NOT been adjudicated INCOMPETENT.

This is a printed representation of the completed
 ServiceArizona web form 20120531162054000 I

05/31/2012

DATE

Syncing Voter Registration Transactions

The Department reads and writes voter record transactions on a real time basis with the statewide voter registration database, which is hosted by the Secretary of State's Office ("SOS"). These transactions can be initiated by either the Department or the statewide voter database. The Department receives voter registration records through electronic transactions from MVD through the SOS office and the statewide voter database. If the record matches a current voter,

the record is updated. If there is no matching voter found, the record is added to the file as a new voter. If there are issues with the record (matches more than 1 current voter or the match is not strong enough to positively identify the record as the same) then it is put into a queue for Department staff to review.

Once a record is received by the Department a reply transaction is sent back to the state to confirm receipt. This reply will also include the full record and an indicator code of whether or not the transaction resulted in an update or a new addition to the file. The driver license number and last 4 digits of the SSN are provided to the Department through the statewide voter database transactions. The Department provides registrant with a unique identification number that is also transmitted back to the state. If the voter record transaction does not include an image from the state then the record is put in suspense until an affidavit image is available. A summary of the match logic that is used for checking records from an MVD transaction is as follows:

1. Comparison by Name
 - a. Matching voter record cannot be in cancel status
 - b. DOB must match
 - c. SSN must match, however it will be ignored if omitted from either Voter or MVD data
 - d. Various Name comparisons:
 - i. First name initial matches and Last name is an exact match
 - ii. First name initial matches and Last name matches one half of a hyphenated last name (i.e. "Smith" and "Smith-Jones")
 - iii. First initial matches and Last name matches one half of a last name containing a space (i.e. "Smith" and "Jones Smith")
2. Comparison by Driver's License Number
 - a. Matching voter record cannot be in cancel status
 - b. DOB must match
 - c. SSN must match, however it will be ignored if omitted from either Voter or MVD data
 - d. DLN must match
3. Comparison by Address
 - a. Matching voter record cannot be in cancel status
 - b. DOB must match
 - c. First name must be an exact match
 - d. Address must match (House No., Street Dir., Street Name, Street Type, Zip)

If there are no matches then it is considered a new voter record. If the address is valid and authenticated against a known address in the database, the new voter is booked into the system. Otherwise, the record is suspended for further review. If there are multiple matches, the record goes to a queue for further review by Department staff who will determine whether it is a new voter or an update to an existing voter.

Lastly, the Department received a large number of inquiries from voters who believed their party information was incorrectly recorded in the voter registration database. The Department responded to every voter with a copy of the voter's registration and an explanation as to why the voter was not eligible to vote in the PPE.

Exhibits 22-26.

10. Please also describe Maricopa County's response to concerns that have been widely reported in the news media regarding long waiting times to vote on election day for the March 22, 2016 election, as well as concerns that long waiting times to vote may have disproportionately burdened minority voters. Please also describe any plans by the County to avoid such concerns in future elections.

Response to Concerns Regarding Long Wait Times

The Department has taken full responsibility for the long lines that occurred on election day. Through social media and the news media on March 22nd, The Department encouraged voters to remain in line and reminded them as long as they were in line by 7:00 p.m., no matter how long that line was, every voter would be able to vote. the Department sent extra staff and ePoll Books to the polling places that had the longest lines to try to alleviate the wait times.

The Department has been forthcoming and transparent regarding the March 22nd Election. Mrs. Purcell has met with almost every news media outlet in Arizona to discuss what happened, including TV Channels 3, 5, 10, 12, and 15, the *Arizona Republic*, MSNBC, KJZZ, KTAR, the Associated Press, *Capitol Times*, *La Voz Arizona*, Telemundo, and Univision. Mrs. Purcell apologized for the long lines and explained the Department's reasoning behind the determination to use 60 polling places. The Department has let the public know if anyone had questions or concerns, he or she could contact the Department either via email,¹ phone, or social media. Staff has tried to respond to every complaint, question, and concern that has been received from the voters.

The long lines did not disproportionately burden minority voters. Except for the Voting Centers located in the more rural parts of the County, almost every polling place throughout Maricopa County had equally long lines, no matter the location. Polling places in Gilbert and Paradise Valley had equally long lines as polling places in South Phoenix. While no longer required to submit election procedure changes to the DOJ for preclearance, the Department still

¹ Following a discussion with the Chairman of the Maricopa County Democratic Party, Maricopa County established an email address of EVREQ@RISC.MARICOPA.GOV specifically for voters to send information regarding alleged unauthorized changes to their political party affiliation (*e.g. party changed without their knowledge*). As of April 20, 2016, the Elections Department has not received a single voter complaint to research through this email address from the County Democratic Party or any of its members. The Department verifies daily that the email address is functional.

follows DOJ guidelines to protect every voter. For example, the Department used the 2010 census to determine which polling places needed bi-lingual board workers who could communicate with those voters with Limited English Proficiency. In addition, the Department provides ballots in English, Spanish, and Tohono O'odham (verbal translation only) languages as well as in braille and large print. Every polling place must be ADA compliant and board workers are trained to provide additional assistance to voters who request assistance.

For the Native American communities, A.R.S. § 16-248(G) precludes consolidation of polling places on an Indian reservation. The Department had polling places available to the Indian reservations in Maricopa County; the Kaka Village Community Center polling place on the Tohono O'odham Indian Reservation, the San Lucy District Administration Building polling place in Gila Bend, the Fort McDowell Indian Community Recreation Center on the Yavapai Indian Reservation, the Gila River District 6 Community Service Center on the Gila River Indian Reservation, and the Salt River Community Center on the Salt River Pima – Maricopa Indian Reservation.

Plans to avoid long lines in the next statewide election on May 17, 2016

The next statewide election is scheduled for May 17, 2016 on two ballot measures. No other election will be on the Maricopa County ballot. The Department will again use Voting Centers to allow for voters to cast a ballot at any voting location. Prior to the PPE, the Department had secured 62 Voting Center locations for the May election. Given the long lines for the PPE, the Department added 54 polling locations for a total of 116 Voting Centers. The additional locations will be in the areas with late closing times and the longest lines during the PPE so as to alleviate any congestion. These polling places are similar to the PPE in that they have larger facilities with larger parking lots to accommodate more voters. There will be 13-15 board workers and 3-5 ePoll Books at the majority of the polling places. The Department is also looking at how to better train our board workers. Specifically, there needs to be additional training using the ePoll Books. The Department will also increase voter education and voter outreach efforts for the May 17th Election. The Department has created a "Polling Location Information" mailer with useful information for the May 17th election including a list of the 116 polling place locations and on-site early voting locations, which will be mailed to all households with a registered voter unless the voter is on the Permanent Early Voting List.

There will be fewer Provisional Ballots at the May 17th election because it is open to all registered voters. One factor contributing to the long lines was the large number of provisional ballots cast by voters who were not eligible to vote in the PPE because they were not registered with the Republican, Democratic or Green Parties. For the May 17th election, all voters registered to vote by midnight on April 18th will be permitted to vote a regular ballot. Another factor in reducing wait times at the polls is the increase in the number of voters on the Permanent Early Voting List. Of the nearly 2 million voters registered in Maricopa County, 1,330,124 of those voters are on the Permanent Early Voting List and were mailed a ballot on April 20, 2016.

Plans to avoid such lines in the 2016 Primary and General Elections

Use of polling places used in past elections

For both of the upcoming Primary and General Elections, Maricopa County will be utilizing the full complement of 724 polling places. The goal is to use only those places that have been used in the past and have received DOJ pre-clearance. Voting Centers will not be used. As such, voters will be restricted to voting at their assigned polling place, by mail or in-person early voting.

Notify voters of polling place location

Voters are notified of their polling place location at least eleven days before the election. A.R.S. §§ 16-461 (primary election) and 16-510 (general election). A voter's polling place location is listed on the sample ballot mailed at least eleven days before the election to all households containing a registered voter, unless the voter is on the Permanent Early Voting List.

Voters are also notified by mail if their polling place location has changed and differs from what appears on the sample ballot. The Department will send postcards informing voters of their new polling place. Signs will be placed at the original polling place directing the voters to the new polling place on election day.

Additionally, the unofficial list of polling places will be listed on our Polling Place Locator webpage 80 days prior to the elections. The official polling places will be posted upon approval of the Board of Supervisors (approval must be given at least 20 days prior to the election § 16-411(B)).

Improve training for board workers

Along with the numerous benefits the ePoll Books provide, it also poses new challenges for board workers who are not comfortable with using electronic devices and for those who may be resistant to change. Because the ePoll Books are used at the check-in lines, that first point of contact with the voter must work efficiently to avoid delays and long lines. As such, additional training with the ePoll Books will be mandatory for the premium polling place workers and premium trouble shooters.

It has been found that the Department's Step Up Program (Students ages 16-17) has been beneficial to efficiency of the polling place. With the increase in election technology, the Department will be training additional students not only on ePoll Books but on setting up voting equipment (optical scan and accessible voting devices).

Emergency plans and troubleshooting

The Department has emergency plans in place, which include facility relocation, additional staffing, and expert staffing of hot lines for ePoll Books as well as on-site tabulation machinery. All Trouble Shooters are provided with additional ePoll Books on election day if replacement is necessary.

Maricopa County will utilize three hot line rooms. One for direct calls from the polling place workers; one for the Trouble Shooters; and one for Legal Counsel. In addition, the Recorder's Call Center increases staffing levels up to 40 or more live operators to answer questions directly from the public.

Exhibits 27-33.