



NOTICE OF PUBLIC MEETING AND EXECUTIVE SESSION
PINAL COUNTY BOARD OF SUPERVISORS
AGENDA FOR SPECIAL SESSION
Wednesday, March 8, 2023

9:00 AM - CALL TO ORDER

PINAL COUNTY ADMINISTRATIVE COMPLEX
BOARD OF SUPERVISORS HEARING ROOM
135 N. PINAL STREET
FLORENCE, AZ 85132

BUSINESS BEFORE THE BOARD

(Consideration/Approval/Disapproval of the following:)

- (1) **Work Session:** Presentation and discussion on the statutory roles and collaboration between the Election's Department and County Recorder. Further discussion on the legal framework and responsibility of the Board of Supervisors as presented by the County Attorney as it applies to the election process. (Geraldine Roll/Dana Lewis/Kent Volkmer)
- (2) Executive Session pursuant to A.R.S. 38-431.03(A)(3) for legal advice regarding the limitations on contributions to employee health plans. (Chris Keller/MaryEllen Sheppard)
- (3) Discussion/approval/disapproval of the funding for the approved Pinal County Health Benefits increase in FY 2023 - 2024 to promote a consistent county contribution among all plans within legal and system limits. (Angeline Woods/MaryEllen Sheppard)

ADJOURNMENT

(SUPPORTING DOCUMENTS ARE AVAILABLE AT THE CLERK OF THE BOARD OF SUPERVISORS' OFFICE AND AT <https://pinal.novusagenda.com/AgendaPublic/>)

NOTE: One or more members of the Board may participate in this meeting by telephonic conference call.

The Board may go into Executive Session for the purpose of obtaining legal advice from the County's Attorney(s) on any of the above agenda items pursuant to A.R.S. 38-431.03(A)(3).

In accordance with the requirement of Title II of the Americans with Disabilities Act (ADA), the Pinal County Board of Supervisors and Pinal County Board of Directors do not discriminate against qualified individuals with disabilities admission to public meetings. If you need accommodation for a meeting, please contact the Clerk of the Board Office at (520) 866-6068, at least (3) three business days prior to the meeting (not including weekends or holidays) so that your request may be accommodated.



AGENDA ITEM

March 8, 2023 ADMINISTRATION BUILDING A
FLORENCE, ARIZONA

REQUESTED BY:

Funds #:

Dept. #:

Dept. Name:

Director:

BRIEF DESCRIPTION OF AGENDA ITEM AND REQUESTED BOARD ACTION:

Work Session: Presentation and discussion on the statutory roles and collaboration between the Election's Department and County Recorder. Further discussion on the legal framework and responsibility of the Board of Supervisors as presented by the County Attorney as it applies to the election process. (Geraldine Roll/Dana Lewis/Kent Volkmer)

BRIEF DESCRIPTION OF THE FISCAL CONSIDERATIONS AND/OR EXPECTED FISCAL IMPACT OF THIS AGENDA ITEM:

BRIEF DESCRIPTION OF THE EXPECTED PERFORMANCE IMPACT OF THIS AGENDA ITEM:

MOTION:

Information Only

History		
Time	Who	Approval
2/28/2023 10:40 AM	County Attorney	Yes
2/28/2023 10:56 AM	County Manager	Yes
3/1/2023 3:37 PM	Clerk of the Board	Yes

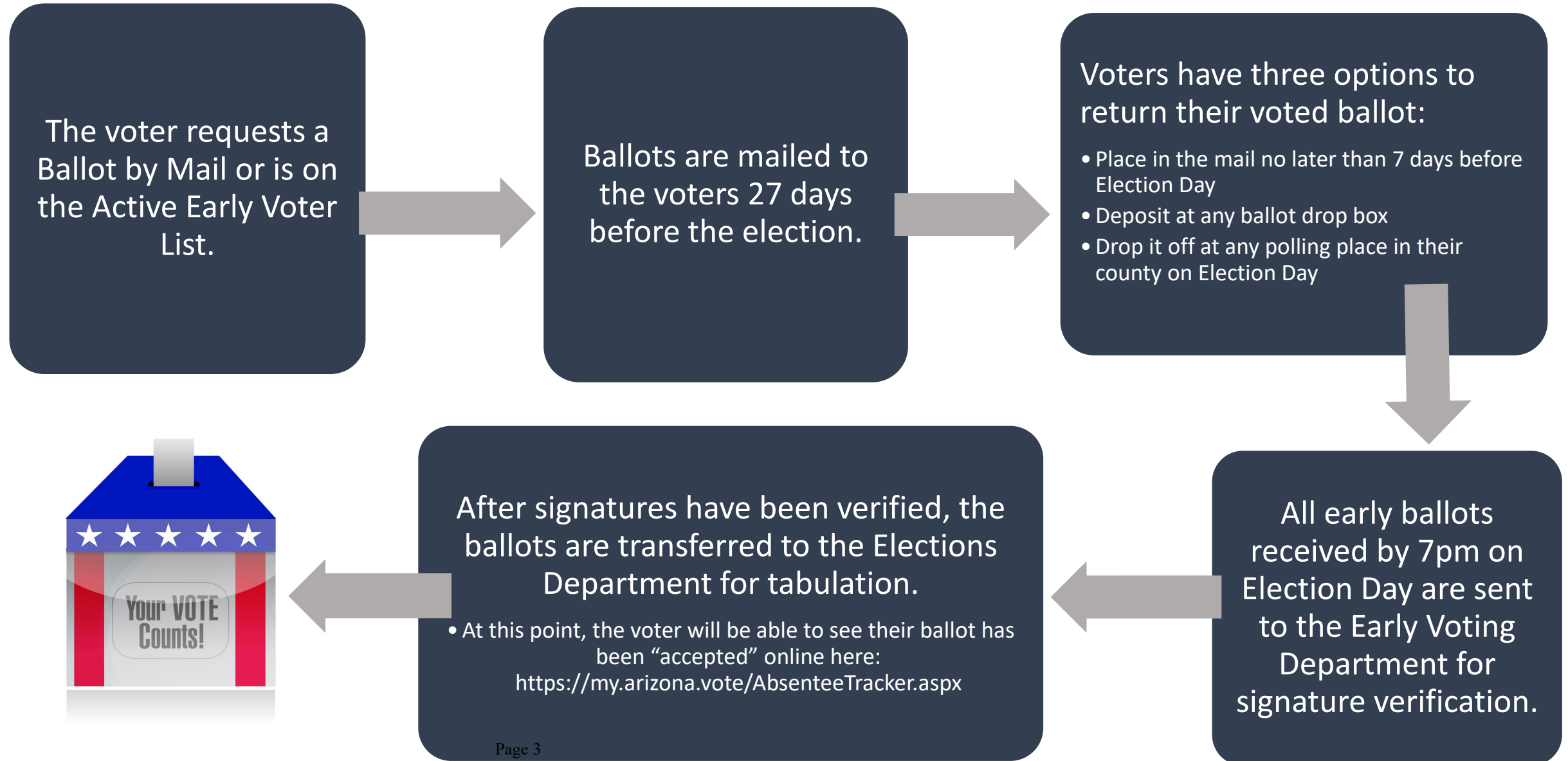
ATTACHMENTS:

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☐ [Presentation](#)

☐ [03.07.2023 Elections Presentation \(PCAO\)](#)

Ballot by Mail Process



Early Voting in Person Process

The voter arrives at an Early Voting site and checks in with the Recorder's Office staff and provides their identification to obtain an Early Ballot.

The Recorder's Office provides the voter with the correct ballot & ballot affidavit envelope.

Once the voter completes their ballot, they sign & seal the envelope. The voter drops it into the locked ballot box and receives an "I Voted" sticker.

All early ballots received by 7pm on Election Day are sent to the Early Voting Department for signature verification

After signatures have been verified, the ballots are transferred to the Elections Department for tabulation

- At this point, the voter will be able to see their ballot has been "accepted" online here:
<https://my.arizona.vote/AbsenteeTracker.aspx>



Polling Place Ballot Process

The voter arrives at their designated polling place and checks in with the ID Clerk on the E-pollbook. This is what provides the voter with “voter history”

The voter will proceed to the ballot judge to receive their appropriate ballot and go to a voting booth.

Once the voter has completed their ballot, they will drop it into the locked blue ballot box safeguarded by a poll worker, receives an “I Voted” sticker, and is all set.

At 7pm, the polls close and the ballot boxes are sealed and picked up by a bipartisan team of Troubleshooters who transport them back to Election Central.

When the ballot box is returned to Election Central, the seals are examined and verified that the correct seal was used. All ballots are then removed and tabulated. A tabulation report is printed for each precinct and compared to the ballot report from the polling place to ensure all the ballots were tabulated.



Provisional Ballot Process

The voter arrives at their designated polling place and checks in with the ID Clerk on the E-pollbook.

If the voter does not have ID or their ID doesn't match the information in the E-pollbook, a provisional ballot will be issued.

The voter will complete their ballot and place it in a provisional ballot envelope. The envelope must be entirely filled out before the voter leaves the polling place and placed into a locked provisional ballot bag.

A bipartisan team of troubleshooters will transport the provisional ballot bag back to Election Central.

The provisional ballots get turned over to the Recorder's Office for further verification before they are tabulated. If the information provided on the provisional envelope meets registration and precinct requirements and has a matching signature from the voter, the ballot will be verified and transferred back to Elections for tabulation.



Elections

From a purely legal perspective

Elections are a Creature of Statute

- What that means is that they are created, strictly defined and explicitly controlled by legislature and legislative action;
- Thus, they must be administered as directed, **not** as counties see best for their constituents;
 - Not every possible elections scenario has been contemplated nor has every nitty gritty detail been flushed out, so the law allows the Secretary of State, with agreement of the Attorney General and Governor, to create an Elections Procedure Manual (EPM).
 - At a basic level, the Laws create the “elections framework” and the Procedure Manual clarifies and fills in with the “rules” of elections. When in conflict, A.R.S. always trumps the EPM.

A.R.S. Title 16 Controls Elections

- It qualifies who may vote and how they must register;
- It provides the dates of elections;
- It explains what is required for candidates to qualify to be on the ballot;

Title 16 also Details How Elections *MUST* be Run

A.R.S. Title 16

Chapter 4 breaks down into
the following Articles:

- Art 1. General Provisions
- Art 2. Election Precincts and Polling Places
- Art 4. Voting Equipment
- Art 5. Ballots and Supplies; Primary
- Art 6. Ballots and Supplies; General
- Art 7. Election Boards
- Art 8. Early Voting
- Art. 9 Polling Place Procedures
- Art 10. Tally and Returns
- Art 11. Official Canvass
- Art 12. Recounts
- Art 13. Contest of Elections

What Happens if You Fail to Comply with Title 16?

Legislature wanted to ensure that Elections were run a particular way, so they created significant penalties for interfering with or failing to run them exactly as they prescribed.

Title 16, and specifically Chapter 7, addresses the Penal Provisions for violating this Title

- 16-1004 Interference with an Election Officer
 - If someone interferes with or induces an elections officer (think Election Director) to not comply with law, they are guilty of a Class 5 felony
- 16-1009 Failure or Refusal to Perform Duty by Election Officer
 - An Officer who fails to perform a duty imposed under Title 16 is guilty of Class 3 Misdemeanor

Specifically, Applicable to the B.O.S.

- 16-642 Canvass of elections
 - Governing body **SHALL** canvass
 - One exception- missing returns from a polling place
- 16-1010 Refusal by election officer to perform duty
 - “A person charged with performance of any duty under any law relating to elections who knowingly refuses to perform such duty, or who, in his official capacity, knowingly acts in violation of any provision of such law, is guilty of a *class 6 felony* (*emphasis added*) unless a different punishment for such act or omission is prescribed by law.”

Other Issues

- Article 8 of Title 38
 - 38-341 permits an accusation be filed against a “county officer” for willful misconduct.
 - 38-343 (C) states that the penalty for conviction in 38-341 is removal from office
- Lawsuits
 - In addition to their own legal fees, the Court in Cochise County Ordered the County to pay \$86,394 dollars to opposing counsel in legal fees.

In Summary

- The Board of Supervisors has little authority and even less discretion in how Elections are administered;
- Instead, the State Legislature has created the legal framework for Elections and created significant penalties for anyone who violates their vision for how Elections should be run;
- These penalties include felony convictions, possible jail or prison sentences, significant monetary fines assessed to the person (upwards of 280k including fees), removal from office and legal fees to opposing counsel.
- Bottom line is the B.O.S. does not get to administer elections as you see fit. Instead, you are obligated to merely follow the law given to you by the State Legislature.



AGENDA ITEM

March 8, 2023 ADMINISTRATION BUILDING A
FLORENCE, ARIZONA

REQUESTED BY:

Funds #:

Dept. #:

Dept. Name:

Director:

BRIEF DESCRIPTION OF AGENDA ITEM AND REQUESTED BOARD ACTION:

Executive Session pursuant to A.R.S. 38-431.03(A)(3) for legal advice regarding the limitations on contributions to employee health plans. (Chris Keller/MaryEllen Sheppard)

BRIEF DESCRIPTION OF THE FISCAL CONSIDERATIONS AND/OR EXPECTED FISCAL IMPACT OF THIS AGENDA ITEM:

BRIEF DESCRIPTION OF THE EXPECTED PERFORMANCE IMPACT OF THIS AGENDA ITEM:

MOTION:

History		
Time	Who	Approval

ATTACHMENTS:
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No Attachments Available



AGENDA ITEM

March 8, 2023 ADMINISTRATION BUILDING A
FLORENCE, ARIZONA

REQUESTED BY:

Funds #:

Dept. #:

Dept. Name: OBF

Director: Angeline Woods

BRIEF DESCRIPTION OF AGENDA ITEM AND REQUESTED BOARD ACTION:

Discussion/approval/disapproval of the funding for the approved Pinal County Health Benefits increase in FY 2023 - 2024 to promote a consistent county contribution among all plans within legal and system limits. (Angeline Woods/MaryEllen Sheppard)

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MOTION:

Approve as presented.

History		
Time	Who	Approval
3/2/2023 9:34 AM	County Attorney	Yes
3/3/2023 9:04 AM	Budget Office	Yes
3/3/2023 10:09 AM	County Manager	Yes
3/3/2023 10:11 AM	Clerk of the Board	Yes

ATTACHMENTS:

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No Attachments Available



AGENDA ITEM

March 8, 2023 ADMINISTRATION BUILDING A
FLORENCE, ARIZONA

REQUESTED BY:

Funds #:

Dept. #:

Dept. Name: Clerk of the Board

Director: Natasha Kennedy

BRIEF DESCRIPTION OF AGENDA ITEM AND REQUESTED BOARD ACTION:

Meeting Notice of Posting

BRIEF DESCRIPTION OF THE FISCAL CONSIDERATIONS AND/OR EXPECTED FISCAL IMPACT OF THIS AGENDA ITEM:

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MOTION:

History	Who	Approval
Time		

ATTACHMENTS:

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☐ [Notice of Posting](#)



PINAL COUNTY
WIDE OPEN OPPORTUNITY

MEETING NOTICE OF POSTING

STATE OF ARIZONA

COUNTY OF PINAL

I, Natasha Kennedy, being duly sworn upon her oath, says as follows:

I am the appointed Clerk of the Pinal County Board of Supervisors.

In my position as Clerk of the Board of Supervisors and Board of Directors, I am responsible for posting all Agendas.

Pursuant to A.R.S. 38-431.02 notice is hereby given that the Pinal County Board of Supervisors will hold a Special Session meeting on **Wednesday, March 8, 2023 at 9:00 a.m.** in the Board Hearing Room, 1891 Historic Courthouse, Administrative Complex, located at 135 N. Pinal Street, Florence, Arizona 85132.

Board Meetings are broadcasted live and the public may access the meeting on the County Website (www.pinal.gov) under "Meeting Videos"

Board Agendas are available on the County Website (www.pinal.gov) under "Agendas & Minutes"

At any time during business hours, citizens may reach the Clerk of the Board Office at (520) 866-6068 or via email at ClerkoftheBoard@pinal.gov for information about Board meeting participation.

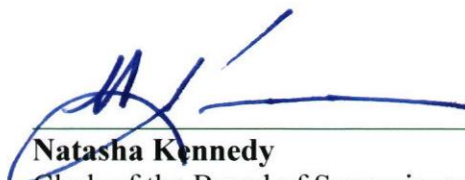
Note: One or more members of the Board may participate in this meeting by telephonic conference call.

I hereby further certify that I caused to be posted this Friday, March 3, 2023, around 11:00 AM the Special Session Agenda, and Executive Session as follows:

1. A kiosk located outside the front entrance to The Old Historical Courthouse, Administrative Complex Building, 135 North Pinal Street, Florence, Arizona 85132
2. County Website under Agendas & Meetings located at www.pinal.gov
3. Emailed the NOVUS Agenda Distribution List and Clerk of the Board Notification Distribution List

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Official Pinal County, Arizona Seal this 3rd day of March, 2023.




Natasha Kennedy
Clerk of the Board of Supervisors
Pinal County, Arizona

CLERK OF THE BOARD OF SUPERVISORS

1891 Historic Courthouse | 135 North Pinal Street | P.O. Box 827 | Florence, AZ 85132 | T: 520-866-6068
www.pinal.gov