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# FONTES TRANSITION TEAM MEETING

## MINUTES

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**MEETING DATE:** 12/22/2016

**MEETING LOCATION:**

5353 N. 16TH STREET SUITE 110, PHOENIX, AZ

**RECORDED BY:** KAREN LOSCHIAVO

**Key Points:**

- Analyzing data and history is first step to making policy decisions and making changes in the office.
- Changes need to be prioritized based on urgency and ease.
- Elections Director must have knowledge of Arizona's History and Statute, but an outsider's perspective is also valuable.
- Is it appropriate for the County Recorder to hold all the responsibility for 2.2 million votes in the United States? Consider and Elections Advisory Board.
- Divide further meetings into Recording and Elections to not waste anyone's time.

## 1. ATTENDANCE

Name	Title	Present
Mike Schiller	Transition Team Leader	Yes
Adrian Fontes	Maricopa County Recorder	Yes
The Hon. Andy Kunasek	Co-Chair	Yes
The Hon. John A. Buttrick		Yes
Karen Loschiavo		Yes
Mr. Mark Robert Gordon		Yes
Ms. Cynthia Ford		Yes
Ms. Felecia Rotellini, Esq	Co-Chair	No
The Hon. Rick Romley		No
The Hon. Terry Goddard		No
Dr. Sheila Harris		Yes
John Lotardo		Yes

## 2. MEETING LOCATION

5353 N. 16th Street Suite 110, Phoenix, AZ

## 3. MEETING START

Meeting Schedule Start: 3:00 pm

Meeting Actual Start: 3:10 pm

Meeting Scribe: Karen Loschiavo

## 4. AGENDA

- Thank you and Welcome!**
- Agenda Review**
- Communications Review**
  - Stay mindful about email communications. Don't text important information.
- Opening Remarks**

- Adrian: Diligently meeting with host of people. Evaluating the physical space of the office. Transition team will be able to see the space once Adrian takes office. Current Recorder's office is not easy to find and inaccessible. Semi-private Recorder patio could be a welcoming space.
  - Locking down people we want to bring on board and meeting with HR. Many will be approved retroactively on January 4th by Board of Supervisors.
  - Lot of empty work stations. Keely and Mike will have to make plans to rearrange the office space soon.
  - Concerns will be addressed after the beginning of the year with the transition team when Adrian is given more details.
  - Asking for input for housekeeping at the office.
- **Introductions**
- Keely Varvel: Has known Adrian a long time. Has worked in Democratic Party Politics for 25 years. Worked for AZ House Democrats for 8 years. Worked in Gov. Napolitano's office. Knowledge of policy level issues, and will use transferable skills from managing DES workforce. Looking forward to working with Adrian and bringing pragmatic perspective. Takes her responsibility seriously.
  - Sheila Harris: Housing Director for AZ Department of Housing. Also worked for Gov. Napolitano. Working with the public's money and trust.
  - John Lotardo: The Title Man. Been in title industry for 25 years. Active in Title, Escrow, Trustee association. Has worked with the Recorder's office over the years for title-related issues. Looking to add nuance to the transition team when it comes to the Recording sign.
    - Active with the Electronic Recording System. Involved in Legislative group when that began.
    - Dealt with the Electronic Recording Commission for recording standards. Provided input. Brought practical business information to the Recorder's office.
    - Maricopa is the leader in technology that pushes the Title industry forward. Good communication is necessary between Recorder's office and title industry.
- **Elections Director**
- Adrian: Not ready to establish criteria today. Set in the idea of doing a national search. How important is it that the candidate has been involved in elections in Arizona?
    - John Buttrick: Election law is a creature of statute. Arizona has extensive statutes. If someone has familiarity with those statutes, it's positive and can't hurt.
    - Sheila: Pew Charitable Trust has an elections administration that would provide good national perspective that can provide good characteristics. Want to make sure that the search doesn't prefer too partisan.

- Cynthia: Ask someone to elaborate on the differences of Maricopa County versus where they come from. Understanding how elections work in a different area can be an asset. Must be astute enough to interpret the Arizona statute.
- Mark: The Brennan Center, Yale Law has an Election Law focus that can provide advice on what has worked well from academic perspective. Key Recorder's Offices and Elections Departments around the country that have shown a propensity for fairness. Can help in search but also in guiding the direction of office. Someone with an Arizona perspective, institutional memory, is helpful but someone from outside can also be helpful. Broad enough vision to not be stuck in what AZ has done, and not be stuck in what they have done.
- John B: Someone really needs to know what AZ has experienced. They've also got to see beyond the Arizona bubble or change can't be made.
- Adrian: Why does Arizona have more problems than other states?
- Mark: AZ is a transient population, there's not a long historic knowledge on the ground that there may be in other states. There's a reason AZ was one of the first places put on Justice Department oversight in the early 70s (demonstrable patterns of discrimination). Voting Rights enforcement mechanism is not present. AZ and Maricopa County haven't been collecting data to show discriminatory intent or discriminatory effect. Basic problems that happen cycle after cycle and the problem is, once reported, it disappears into a vacuum.
  - Basic problems: unattended ballot boxes. Saw it in 2008, 2010, 2012 and 2014. No correction in Arizona, no follow through. Other states had commissions to deal with problems as they happen. PPE was an exception with follow through, which was because there was so much national attention and it was a predictable outcome.
- Cynthia: Check Elections Science Institute out of San Francisco for finding historical data. All is recorded there.
- Keely: At the capital there is an effort to use policy to limit people's access. Testing ground for laws that over time create a complicated and inaccessible voting process. Understanding how all that interacts with logistics and DOJ issues is unique.
- John B: This is a complicated state, good to keep in mind for Elections Director. Many of the things that we have as problems and complexities don't exist in other states. E.g. in Oregon, there are all mail-in elections.
- Adrian: Right now, we're compiling information and there's no current Elections Director job description.
- Mark: Pima County might have a job description.

**Elections Policy**

- Mike: Adrian has an open invitation to people with interest in Elections Policy to speak with him about their ideas. Elections Integrity group Adrian met with yesterday and passed on ideas and materials compiled by local and national groups.
- Mark and Cynthia and John B. have extensive experience. Want to look at elections policies that we can promote at the legislative level. One of the expectations is one to select Director and two to work on Policy.
- Mark: We've had issues with access to the polls, policies that have kept people away or had an improper impact on access.
- Maricopa County did make a correction with the E-Poll books, were complaints with this election. The issue with provisional ballots was people were referred to the wrong location to vote. Hopefully that is being corrected.
- Analyzing data and history is first step to making policy decisions.
- Adrian: If things are being reported, how are they being handled. Who are they being reported to? Where is that information? We have to gather up and compile the complaints so the analysis is data-driven. New policy changes are big this year, especially coming from Eric Spencer's office, how are they making those decisions? Why are they moving in that direction?
- Keely: There's so much that needs to be changed. What are the biggest things that can be changed off the bat and what needs to be long-term? Issues need to be prioritized.
- Mike: Does Election Science Institute have best practices?
- Mark: Yes and Pew and Brennan Center.
- Mike: Use those as a benchmark for best practices. And then start prioritizing.
- Adrian: Does Andy have experience in circumstances where an elected takes positions on policy that they want to talk to the legislature? How did they work with the BOS?
- Andy: All of the elected officials would in advance of the legislative sessions would make their priorities known. Helen would do one-on-one meetings with Board members. Worked with counterparts around the state. Want to make sure that all perspectives are taken into account to avoid collateral damage. Had fiscal issues with SOS in the past. No set model. Build up allies at the legislature.
- Adrian: The SOS is overall going down the wrong path with the large amount of big changes that are on the table.
  - Example: Proposing Elections Manual will no longer be mandatory. No manual printed for 2016 cycle which caused confusion with all the new laws passed in 2016. No guidance from SOS office. Exacerbates issues.
  - Mike: No rules or resources for enforcing ballot collection law.
  - Andy: Has Adrian talked to Eric Spencer?
  - Adrian: Have not talked to him yet, want to do more research.
  - Mark: Introduce yourself, set a time in a few months to talk.

- Andy: Keep up the effort to not be litigious or come across as a lawyer. Be a sponge before you make conclusions. The problems you see now may not be elucidated for a while.
- Adrian: Approaching it with a smile on my face.
- Mike: Get to know other elections directors across counties first.
- Keely: Time is of the essence. Meet with him now just to listen why they are pushing legislation.
- John B.: Sooner rather than later. Can't wait until it's spring and it's too late.
- Mark: Get to know other county recorders.
- Mike: Can also get to know County versus State issues.
- Adrian: SOS is already attempting to lobby Adrian.
- Adrian: No big elections in 2017. City of Phoenix is the other big elections department in the county.
- Adrian: Homework for long term: We are the largest voting district in the country that has no Election board. One elected official is responsible for more votes by 5-fold to the next elected official. Maybe it's time for an Election Board or for a diffusion of decision making as in other counties. Is it appropriate for the County Recorder to hold all the responsibility for 2.2 million votes in the United States? Allows for more people to make a decision, but individuals will hide behind the group.
  - John B.: Counter-Narrative will be too much bureaucracy, what's the cost? There will be pushback.
  - Adrian: Just something to think about. What will it look like if this was something we pursued?
  - Sheila: Transparency is key and is missing from the political system. By bringing in other people into the decision making provides input from the community and creates an opportunity for a voice for people.
  - Mark: Our populous is spread out. Unique problems arise.
  - Adrian: LA County's Election Board is the referee. Adrian is the referee and the administrator for elections in Maricopa County. It's an idea worth exploring and it's important to him.
- **Summary and Next Steps**
  - Set up meetings with other county recorders across the state
  - Briefing by Tom Collins
  - Set up time for Adrian with Eric Spencer
  - Ask Mark to set up time to talk to the LA County Recorder — he will be there 2nd week in January
  - Still need questions and job descriptions for the Elections Director
  - Asking Pima County for their election director job description

- o Think about the possibility of an elections board
- o John: Contacted Judge Janet Barton from Superior Court. Have a lot of interest in the Election disputes and how they are handled. Expects to have some ongoing communication with those judges. Proposed Adrian meets with the judges once he has a permanent Election Director.
  - Main problem is time, everything has to be accelerated for Elections.
- o Asked John L for industry people that will be able to provide input in transition discussions.
- o Split up meetings between Recorder and Elections.
- o Updated contact list
- o Send all communication to Mike’s County email

**5. MEETING END**

Meeting Schedule End: 4:30 pm

Meeting Actual End: 4:55 pm

**6. POST MEETING ACTION ITEMS**

Action	Assigned To	Deadline
Get Pima County’s Election Director Description	Cynthia/Mike	Next Meeting
Identify Title/Real Estate industry players to include in conversations	John L	Next Meeting
Meet with LA County Recorder	Mark/Adrian/Mike	
Interview questions and Job Descriptions for Elections Director	Whole Team	Next Meeting

**7. NEXT MEETING**

1/5/2016

New location: Recorder’s Office