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115 North Church Avenue, Tucson, AZ

<http://www.recorder.pima.gov>

F. Ann Rodriguez
Pima County Recorder

Recording history one document at a time.

Christopher J. Roads
Chief Deputy Recorder
Registrar of Voters

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January 6, 2012

Chief, Voting Section
Civil Right Division
Room 7254 NWB
Department of Justice
1800 G ST NW
Washington DC 20006

Re: Change to voting Procedures in Arizona
United States Postal Service Plant Closures

Ladies and Gentlemen:

I am the elected County Recorder for Pima County, Arizona. I am writing this letter to give you advanced notice of a significant change that is being considered in Arizona that I believe will have a significant and disproportionate detrimental impact on the voting rights of Native American voters in Arizona and particularly those in Pima County.

Currently, the United States Postal Service operates a number of mail processing plants in Arizona. One plant is located in Tucson, Arizona and serves the entire southern portion of the state including the counties of Pima, Santa Cruz and Cochise. Pima County contains both Pascua Yaqui Tribal lands and the majority of the Tohono O'odham Nation. A portion of both of these Native American populations are also located in other counties in Arizona including Pinal County and Maricopa County.

As a cost saving tool, the United States Postal Service, (USPS) is considering closing all mail processing plants outside of the Phoenix metropolitan area. Under their plan, mail sent from any location in Arizona must be transported to Phoenix for sorting and processing. After processing is completed, the mail will then be trucked to postal facilities in the county of delivery for the ultimate delivery to the addressee. This process is expected to add two to three days from the time of mailing until the time the mail is delivered in metropolitan areas.

We were advised that the delay will be even greater in rural areas. In other words, a ballot sent by mail from the Pima County Recorder's Office in Tucson to a registered voter in Tucson will first travel to Phoenix to be sorted before it is transported back to Tucson for delivery taking two to three business days for the process to occur. A ballot mailed from the Pima County Recorder's Office to a voter living in a rural area in Pima County will take longer than three business days for delivery.

A similar delay will occur for voters who elect to return their ballot by mail. It takes one to two business days for the Tucson postal plant to process a voted mailed ballot and deliver that ballot to the Recorder's Office. We recommend to all voters that they mail their ballot no later than the Friday before the election to ensure it is received by the Recorder's Office by the 7:00 p.m. Election Day deadline. With the proposed postal service changes, the recommended deadline for mailing a voted ballot will have to be moved up to the Wednesday before Election Day for voters living in the metropolitan area and even earlier for voters living in rural areas.

The delay in delivery of the ballots when initially mailed and the delay in processing returned ballots will effectively shorten the early voting period from 26 days to less than 20 days for voters in the urban areas. The reduction of the voting period will be far greater for voters residing in rural areas.

While the Tohono O'odham Nation makes up more than 40% of the geographical area in Pima County, it is a rural area with one single post office located in Sells Arizona serving the entire several hundred square mile area. The postal service does not provide home delivery or even regional delivery or pickup to areas outside of Sells. Voters who reside in any of the other Tohono O'odham villages are required to travel up to 60 miles to Sells from their homes and many of those roads are unimproved. These roads can become impassible in rainy weather. While we are typically a dry climate, the rainy season normally occurs in July and August.

The post office facility in Sells is a small facility. It does not have enough post office boxes available for all residents of the Tohono O'odham Nation. As a result, several people are required to share post office boxes with other individuals. Most individuals do not open and review their mail at the post office locations. Instead, they take the mail home. This is particularly true for all voters receiving their ballots by mail at a PO Box. Since the Postal Service does not offer mail box drops or pickup service in any Tohono O'odham village other than Sells, voters living in these other villages must transport their voted ballot back to the Sells post office in order to return the voted ballot to the Recorder's Office. Given the travel distance and road conditions, most voters on the Tohono O'odham Nation do not check their post office boxes daily. At most it is a weekly trip.

In 2007, Arizona enacted the Permanent Early Voting List (PEVL) under Arizona Revised Statute section 16-544. That statute allows a voter to make a single written request to the county recorder to automatically send all future election ballots to the voter by mail at the beginning of the early voting period. Since PEVL was enacted voter participation in early voting has increased significantly. During the 2010 General Election cycle, many Arizona counties had more than half of the votes cast by their voted ballots by mail rather than by voters going to their traditional polling place. In Pima County, 63% of all of the votes cast in that election were mailed ballots. In local elections, the percentage of voters participating by mail is even higher with as many as 93% of the votes cast by mailed ballots. As a result, several local jurisdictions have opted to conduct their local elections entirely by mail rather than holding traditional polling place elections. Those jurisdictions that have opted for that change have uniformly seen an increase in voter participation.

The beginning of the early voting period is 26 days prior to the Election Day. Currently, more than 1,464,000 voters in Arizona have enrolled on the PEVL. In Pima County, more than 247,000 voters are currently enrolled on PEVL. The number of voters enrolling on PEVL grows each month. More than 500 Pima County registered voters residing on the Tohono O'odham Nation have enrolled on PEVL. I do not know if there are additional Tohono O'odham voters on PEVL in Pinal and Maricopa Counties.

The two to three day delivery time estimate provided by the Postal Service is based on a normal working day with a normal volume of mail. The vendor that assembles early ballots for Pima County also assembles the mailed early ballots for Maricopa County, the county with the largest population in Arizona. That vendor is located in Phoenix just a few blocks from the Phoenix mail processing plant. In 2010, the Phoenix mail processing plant asked our vendor not to mail the ballots for both Pima and Maricopa counties on the same day since they did not have the capacity to process that large a volume of mail in a single day in their normal processes. As a result the vendor transported the ballots addressed to Pima County voters to the Tucson mail processing plant for mailing.

Under the proposed consolidation plan of the USPS, not only will that Phoenix plant have to receive the ballots for Pima and Maricopa counties all at once, it will also have to receive the ballots for all 13 of the other Arizona counties on the same day as well. With the current enrollment on PEVL, the 15 counties combined will mail more than 1,000,000 ballots to voters on August 2, 2012 for the upcoming Primary Election and almost 1,500,000 ballots on October 11, 2012 for the General Election. The volumes of ballots mailed on each of these two dates will cause a disruption at the plant as the total mail for the day will far exceed the plant processing capacity of the Phoenix plant.

The USPS will have to decide to either further delay delivery of the ballots until they can be worked into the process over a period of several days of full capacity operation or to delay more than half of all other first class mail from Arizona that day until the ballots are completed.

It should be noted that all of the ballots mailed on these two dates will include candidates for the United States Senate and United States Congress in addition to candidates for state and local offices. The ballots mailed on October 11, 2012 will also include candidates for President of the United States.

If the United States Postal Service proceeds with the proposed plan to close the processing plant located in Tucson, Arizona, all voters on PEVL and any voter electing to receive their ballot by mail will be impacted adversely by the reduction in time they will have to mark and return their ballot. However, the impact will be far greater on voters residing in rural areas. The way the postal system works on the Tohono O'odham Nation, I believe that voters residing there will be impacted the most significantly.

The 26th day prior to an election always falls on a Thursday. If the Phoenix plant elects to process ballots before all other mail, the mailed ballots will not reach the post office in Sells until Wednesday of the following week at the earliest based on the information provided by the postal service. If the post office elects to process other first class mail before the ballots and to spread ballots out over several days, the ballot may not arrive in Sells until Friday or Monday, eight to eleven days after mailing. The Tohono O'odham voters residing in villages other than Sells are more likely to travel to Sells on weekends due to work schedules. Depending on when the ballot arrives in Sells, the voter may not physically receive it until 10 to 17 calendar days after mailing. If the voter elects to take the ballot home to mark it at their leisure, they have only one week to return the ballot to the Sells post office for mailing in order to meet the statutory delivery deadline.

By comparison, a voter residing in Tucson will receive their ballot three business days after mailing. That voter has almost three weeks to consider their ballot choices before being required to mail the ballot back to the Recorder's Office to meet the statutory deadline for delivery.

The impact of this proposed change will not just occur in Pima County. Many other counties in Arizona include Native American populations. Many of those areas are also rural areas with only a single post office location and no home or remote village delivery or pick up services available. I, therefore believe that the proposed Postal Service change will cause a significant detrimental impact to the Native American population in Arizona overall and that the impact on that population will be far greater than the impact on other voters in Arizona.

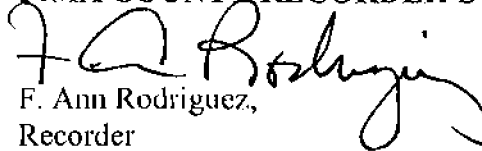
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Since this change is being considered and made by the United States Postal Service it is outside the pre-clearance requirements of Section 5 of the NVRA. However, the change will clearly impact the activities of the state and county elections officials in Arizona and will cause a detrimental impact to voters. I have sent the United States Postal Service a written objection to the plan to close the Tucson mail processing plant and I am enclosing a copy of that objection for your review. The information provided to the public by the USPS is based entirely on economic considerations with no apparent regard to the impact of the change on the fundamental right to vote of all citizens and in particular, the significant additional detrimental impact to Native American voters.

Should you have any questions regarding this process, please feel free to contact me at (520) 724-4356.

Sincerely yours,

PIMA COUNTY RECORDER'S OFFICE


F. Ann Rodriguez,
Recorder

/far

Enclosure Ltr to USPS

cc: Arizona United States Senators
Arizona U. S. Congressional Representatives
Ken Bennett, Arizona Secretary of State
Ned Norris, Chair Tohono O'Odham Nation
Peter Yucupicio, Chair Pascua Yaqui Tribe

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